

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-02

IN THE MATTER OF AMENDING LANE CODE  
CHAPTER 14 TO ADD, REVISE, AND DELETE  
DEFINITIONS AND PROVISIONS TO MODERNIZE  
AND UPDATE THE ENTIRE CHAPTER; AMENDING  
LANE CODE CHAPTERS 10, 13, AND 16 TO UPDATE  
REFERENCES, DEFINITIONS,  
AND PROVISIONS FOR CONSISTENCY WITH LANE  
CODE CHAPTER 14; AND ADOPTING A  
SEVERABILITY CLAUSE

**WHEREAS**, Lane Code Chapter 14 provides the necessary procedural framework for the submittal, review, and processing of land use applications and appeals; and

**WHEREAS**, amendments to Lane Code Chapter 14 are desired to add, revise, and delete definitions and provisions to modernize the entire Chapter; and

**WHEREAS**, the Lane County Planning Commission reviewed the proposal in a public hearing on April 4, 2017 and a continued public hearing on June 20, 2017; and

**WHEREAS**, the Board of County Commissioners has conducted a public hearing on March 13, 2018 and a continued public hearing on April 10, 2018 and is now ready to take action.

**NOW, THEREFORE**, IT IS HEREBY ORDAINED, Lane Code Chapters 10, 13, 14, and 16 are hereby amended by removing, substituting and adding the following sections:

**REMOVE THESE SECTIONS**

10.025-05  
10.025-10  
10.025-15  
10.025-20  
10.025-25  
10.025-40  
10.025-45  
10.103-15 – 10.103-20  
10.104-15 – 10.104-20  
10.106-12  
10.107-12  
10.112-15 – 10.112-20  
10.113-15 – 10.113-20  
10.122-13 – 10.122-14  
10.181-15 – 10.181-20  
10.182-20  
10.183-15 – 10.183-20  
10.205-81

**INSERT THESE SECTIONS.**

NONE  
NONE  
NONE  
NONE  
NONE  
NONE  
NONE  
10.103-15 – 10.103-20  
10.104-15 – 10.104-20  
10.106-12  
10.107-12  
10.112-15 – 10.112-20  
10.113-15 – 10.113-20  
10.122-13 – 10.122-14  
10.181-15 – 10.181-20  
10.182-20  
10.183-15 – 10.183-20  
10.205-81

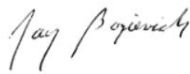
10.210-20  
10.230-15 – 10.230-20  
10.235-15 – 10.235-20  
10.245-15 – 10.245-20  
10.250-15 – 10.250-20  
10.255-15 – 10.255-20  
10.260-25  
10.271-25  
10.271-30  
10.315-35  
10.315-57  
10.315-65  
10.320-35 – 10.320-55  
10.322-25  
10.325-35 – 10.325-55  
10.330-35 – 10.330-50  
10.335-35 – 10.335-50  
10.350-35 – 10.350-50  
10.370-05  
10.400-15 – 10.400-20  
10.700-505 – 10.700-510  
10.700-610  
10.700-650  
13.020  
13.030  
13.100  
13.105  
13.120  
13.130  
13.400  
13.450  
13.500  
13.600  
13.700  
ALL OF CHAPTER 14  
16.005  
16.090  
16.100  
16.210 – 16.215  
16.220 – 16.226  
16.229 – 16.231  
16.233 – 16.244  
16.247  
16.251 – 16.258  
16.264  
16.280  
16.290 – 16.292  
16.294 – 16.296  
16.400  
16.420

10.210-20  
10.230-15 – 10.230-20  
10.235-15 – 10.235-20  
10.245-15 – 10.245-20  
10.250-15 – 10.250-20  
10.255-15 – 10.255-20  
10.260-25  
10.271-25  
10.271-30  
10.315-35  
10.315-57  
10.315-65  
10.320-35 – 10.320-55  
10.322-25  
10.325-35 – 10.325-55  
10.330-35 – 10.330-50  
10.335-35 – 10.335-50  
10.350-35 – 10.350-50  
10.370-05  
10.400-15 – 10.400-20  
10.700-505 – 10.700-510  
10.700-610  
10.700-650  
13.020  
13.030  
13.100  
13.105  
13.120  
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16.290 – 16.292  
16.294 – 16.296  
16.400  
16.420

These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

**ENACTED** this 10th day of July 2018.



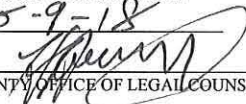
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Jay Bozievich, Chair  
Lane County Board of Commissioner



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Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM  
Date 5-9-18  
  
LANE COUNTY OFFICE OF LEGAL COUNSEL

Lane Code  
**CHAPTER 10 CONTENTS**

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- 10.025-25 General Public Hearing Notice Provisions.
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## GENERAL PROVISIONS

### 10.025-30 Minimum Requirements.

In interpreting and applying the provisions of this chapter, such provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, and welfare, therefore, where this chapter imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than those imposed or required by other laws, ordinances, rules, or regulations, the provisions of this chapter shall control. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

### 10.025-35 Conformance and Permits Required.

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 zone in which such building, structure or land is located, and there only after proper application for and securing of all permits and licenses required by all applicable State and local laws. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

### 10.025-50 Scenic Byway/Tour Route Off-Premise Sign Requirements.

New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 10.025-50, below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; facilities not located on the premises on which the sign is located; or activities not conducted on the premises on which the sign is located.

(1) The South Lane Tour Route as specifically identified in Ordinance No. 10-99. *(Revised by Ordinance No. 10-99, Effective 1.15.00)*

### 10.025-55 Prohibited uses.

The following marijuana uses, as these terms are defined in Lane Code 16.090 are prohibited in all zoning districts of Lane Code Chapter 10.

1. Marijuana processing
2. Marijuana production
3. Marijuana research
4. Marijuana retail sales
5. Marijuana testing laboratory
6. Marijuana wholesale distribution *(Revised by Ordinance No. 15-08, Effective 12.15.15)*

### 10.090 Compliance with LC Chapter 15, Roads.

Development subject to the provisions of this chapter shall comply with LC Chapter 15, Roads. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

### 10.095 Districts.

In order to carry out the purpose and provisions of this chapter areas within the County may be classified in one or more of the following Districts:

|        | <u>Section</u>                             |
|--------|--|
| EFU 20 | EXCLUSIVE FARM USE 20 DISTRICT .....10.100 |
| NR     | NATURAL RESOURCE DISTRICT .....10.101      |
| FM     | FOREST MANAGEMENT DISTRICT .....10.102     |
| F-1    | IMPORTANT FOREST LAND DISTRICT .....10.103 |
| F-2    | FOREST LAND DISTRICT .....10.104           |
| F-F    | 20 FARM-FORESTRY 20 DISTRICT .....10.105   |

|       |  |        |
|-------|--|--------|
| A-1   | IMPORTANT AGRICULTURAL LAND DISTRICT .....                             | 10.106 |
| A-2   | AGRICULTURAL LAND DISTRICT .....                                       | 10.107 |
| GR 10 | GENERAL RURAL DISTRICT .....   | 10.108 |
| AGT   | AGRICULTURAL, GRAZING, TIMBER-RAISING DISTRICT .....                   | 10.110 |
| GR-I  | GENERAL RURAL I DISTRICT .....   | 10.112 |
| GR-II | GENERAL RURAL II DISTRICT .....  | 10.113 |
| /R    | RECREATIONAL DISTRICT .....  | 10.115 |
| /IA   | INTERIM AGRICULTURE COMBINING DISTRICT .....                           | 10.120 |
| /U    | INTERIM URBANIZING COMBINING DISTRICT .....                            | 10.122 |
| PR    | PUBLIC RESERVE DISTRICT .....  | 10.125 |
| RR    | RURAL RESIDENTIAL DISTRICT .....                                       | 10.130 |
| RA    | SUBURBAN RESIDENTIAL DISTRICT .....                                    | 10.135 |
| R-1   | SINGLE-FAMILY RESIDENTIAL DISTRICT .....                               | 10.140 |
| RG    | GARDEN APARTMENT RESIDENTIAL DISTRICT .....                            | 10.145 |
| RP    | RESIDENTIAL-PROFESSIONAL DISTRICT .....                                | 10.150 |
| CA    | RURAL COMMERCIAL DISTRICT .....  | 10.154 |
| C-1   | LIMITED COMMERCIAL DISTRICT .....                                      | 10.155 |
| C-2   | NEIGHBORHOOD COMMERCIAL DISTRICT .....                                 | 10.160 |
| C-3   | COMMERCIAL DISTRICT .....  | 10.165 |
| CT    | TOURIST COMMERCIAL DISTRICT .....                                      | 10.166 |
| M-1   | LIMITED INDUSTRIAL DISTRICT .....                                      | 10.170 |
| M-2   | LIGHT INDUSTRIAL DISTRICT .....  | 10.175 |
| M-3   | HEAVY INDUSTRIAL DISTRICT .....  | 10.180 |
| /SI   | SPECIAL INDUSTRIAL COMBINING DISTRICT .....                            | 10.181 |
| MH    | MOBILE HOME DISTRICT .....   | 10.185 |
| AO    | AIRPORT OPERATIONS DISTRICT .....                                      | 10.200 |
| AV    | AIRPORT VICINITY DISTRICT .....  | 10.201 |
| SG    | SAND, GRAVEL & ROCK PRODUCTS DISTRICT .....                            | 10.205 |
| SG/CP | SAND, GRAVEL & ROCK PRODUCTS - CONTROLLED<br>PROCESSING DISTRICT ..... | 10.210 |
| /QM   | QUARRY AND MINE OPERATIONS COMBINING DISTRICT ....                     | 10.220 |
| NE    | NATURAL ESTUARY DISTRICT .....   | 10.225 |
| CE    | CONSERVATION ESTUARY DISTRICT .....                                    | 10.230 |
| DE    | DEVELOPMENT ESTUARY DISTRICT .....                                     | 10.235 |
| /SN   | SIGNIFICANT NATURAL SHORELANDS<br>COMBINING DISTRICT .....             | 10.240 |
| /PW   | PRIME WILDLIFE SHORELANDS COMBINING DISTRICT .....                     | 10.245 |
| /NRC  | NATURAL RESOURCES CONSERVATION<br>COMBINING DISTRICT .....             | 10.250 |
| /RD   | RESIDENTIAL DEVELOPMENT SHORELANDS<br>COMBINING DISTRICT .....         | 10.255 |
| /MD   | SHORELANDS MIXED DEVELOPMENT<br>COMBINING DISTRICT .....               | 10.260 |
| /DMS  | DREDGE MATERIAL/MITIGATION SITE<br>COMBINING DISTRICT .....            | 10.265 |
| /BD   | BEACHES AND DUNES COMBINING DISTRICT .....                             | 10.270 |
| PUD   | PLANNED UNIT DEVELOPMENT SUB-DISTRICT .....                            | 10.700 |
| CAD   | CONTRACT ZONING DISTRICT .....   | 10.710 |

*(Revised by Ordinance 15-72, Effective 9.8.72; 13-73, 11.21.73 (4.17.74); 14-74, 12.27.74; 9-75, 7.2.75; 3-76, 4.7.76; 7-79, 7.11.79; 15-79, 12.1.79; 2-80, 6.13.80; 17-80, 8.6.80; 20-80, 11.14.80)*

### **EXCLUSIVE FARM USE DISTRICT (EFU)**

**10.100-05 Purpose.**

The Exclusive Farm Use District (EFU) is intended to provide areas for the continued practice of agriculture, to permit the establishment of only those new uses compatible to agricultural activities, to provide automatic farm use valuation for farms qualifying under the provisions of ORS Chapter 308, to be applied only in areas generally well suited for farming, to guarantee the preservation and maintenance of areas so classified, and is subject to change only in those instances where there is substantial evidence the land is no longer suitable for agriculture or there are significant changes in the land needs of the County. *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

**10.100-10 Uses.**

Within an EFU District only the following uses and buildings are permitted pursuant to the review process and criteria as specified in Table I below. The number opposite the proposed use under the column describing the land unit under consideration will indicate the appropriate review process described in LC 10.100-12.

| Buildings & Uses  | Table I                         |                                   |  |                         |                      |
|---|---------------------------------|-----------------------------------|--|-------------------------|----------------------|
|   | Land Unit<br>(See LC 10.100-40) |                                   |  |                         |                      |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed                  | Com-<br>mercial<br>Farm         | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| (1) Farm uses (See "Farm Use" definition).  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (2) Accessory buildings customarily provided in conjunction with a use permitted in this District.  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (3) One single-family dwelling or one mobile home per land unit in conjunction with a farm use as defined in this chapter.                | (1)                             | (2) <sup>1</sup>                  | (3)  | (4)                     | N/A                  |
| (4) One single-family dwelling or one mobile home per land unit used for persons employed on the premises in conjunction with a farm use. | (1)                             | (2) <sup>2</sup>                  | (3) <sup>3</sup>                           | N/A                     | N/A                  |
| (5) Mobile homes in addition to those permitted in (4) above for persons employed on the premises in conjunction with a farm use.         | (11)                            | (11)                              | (11)                                       | N/A                     | N/A                  |

<sup>1</sup> If proposed on a parcel created under the review process specified at LC 10.100-12(7) or LC 10.100-12(8) below, the structure will be considered as a permitted use and not require approval as a special use.

<sup>2</sup> See #1.

<sup>3</sup> See #1.

| Buildings & Uses   | Table I<br>Land Unit<br>(See LC 10.100-40) |                                   |  |                         |                      |
|--|--|-----------------------------------|--|-------------------------|----------------------|
|  | Com-<br>mercial<br>Farm                    | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed   |  |                                   |  |                         |                      |
| (6) One single-family dwelling or one mobile home per land unit not in conjunction with a farm use. Such use shall not be in addition to those permitted under (3), (4) and (5) above or (7) below.  | (13)                                       | (13)                              | (13)                                       | (13)                    | (13) <sup>4</sup>    |
| (7) One single-family dwelling or one mobile home per land unit occupied by a relative whose assistance on the farm is or will be required by the farm operator.   | (1)  | (1)                               | (1)  | (1)                     | N/A                  |
| (8) Public and semipublic buildings and structures rendering direct utility service to the public in local areas, such as fire stations, utility substations, electrical transmission facilities transmitting electric current 150,000 volts or less in any single cable or line or group of cables or lines, radio and TV receiving or broadcasting facilities, pump stations and wells; except commercial facilities for the purpose of generating power for public use by sale. | (1)  | (1)                               | (1)  | (1)                     | (1)                  |
| (9) The keeping of dogs, accessory to a residence, provided the following conditions are satisfied.  |  |                                   |  |                         |                      |
| (a) The maximum number of dogs over four months of age shall be eight.   |  |                                   |  |                         |                      |
| (b) For more than three dogs over four months of age there shall be at least 5,000 square feet of lot area for each dog on the lot.  |  |                                   |  |                         |                      |
| (c) All dogs shall be owned by the property owners, except those temporarily kept for the purposes of breeding.  | (1)  | (1)                               | (1)  | (1)                     | (1)                  |
| (10) Propagation or harvesting of a forest product.  | (1)  | (1)                               | (1)  | (1)                     | (1)                  |

<sup>4</sup> If proposed on a parcel created under the review process specified at LC 10.100-12(10) below, the structure will be considered as a permitted use and not require approval as a special use.

Table I

| Buildings & Uses  | Land Unit<br>(See LC 10.100-40)   |                                    |  |                         |                      |
|---|-----------------------------------|------------------------------------|--|-------------------------|----------------------|
|   | Com-<br>mercial<br>Farm<br>Unit I | Com-<br>mercial<br>Farm<br>Unit II | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed  |                                   |                                    |  |                         |                      |
| (11) Churches.  | (1)                               | (2) <sup>5</sup>                   | (3)  | N/A                     | (4)                  |
| (12) Public and private schools.  | (1)                               | (2) <sup>6</sup>                   | (3) <sup>7</sup>                           | N/A                     | (4)                  |
| (13) Operations for the exploration of geothermal resources as defined by ORS 522.005   | (1)                               | (1)                                | (1)  | (1)                     | (1)                  |
| (14) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.  | (5)                               | (5)                                | (5)  | (5)                     | (5)                  |
| (15) Commercial activities that are in conjunction with a farm use.   | (4)                               | (4)                                | (4)  | (4)                     | N/A                  |
| (16) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.   | (5)                               | (5)                                | (5)  | (5)                     | (5)                  |
| (17) Private parks, playgrounds, hunting and fishing preserves, and campgrounds, including facilities for recreational vehicles, but specifically excluding mobile home parks.  | (5)                               | (5)                                | (5)  | (5)                     | (5)                  |
| (18) Flood control or irrigation projects and facilities.   | (12)                              | (12)                               | (12)                                       | (12)                    | (12)                 |
| (19) Electrical generation facilities, canals, flumes, pipelines and similar facilities, including electrical transmission facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines. | (12)                              | (12)                               | (12)                                       | (12)                    | (12)                 |

<sup>5</sup> See #1.

<sup>6</sup> See #1.

<sup>7</sup> See #1.



Table I

| Buildings & Uses  | Land Unit<br>(See LC 10.100-40) |                                   |  |                         |                      |
|---|---------------------------------|-----------------------------------|--|-------------------------|----------------------|
|   | Com-<br>mercial<br>Farm         | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed  |                                 |                                   |  |                         |                      |
| (20) Rock, sand, gravel or loam extraction and extraction provided:   |                                 |                                   |  |                         |                      |
| (a) Materials produced are for the sole use of the owner or operator and are not offered for sale or remuneration and are used in conjunction with a farm use.  |                                 |                                   |  |                         |                      |
| (b) Total excavation or extraction does not exceed 5,000 cubic yards annually.  | (4)                             | (4)                               | (4)  | (4)                     | N/A                  |
| (21) Exploration, mining and processing of aggregate or other mineral resources or other subsurface resources which exceed the requirements for a special use as provided for in (19) above.  | (5)                             | (5)                               | (5)  | (5)                     | (5)                  |
| (22) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in ORS 215.213(2)(g).  | (12)                            | (12)                              | (12)                                       | (12)                    | (12)                 |
| (23) Feedlots.  | (5)                             | (5)                               | (5)  | (5)                     | (5)                  |
| (24) Minor Rural Home Occupations (see LC 10.342-05 through 10.342-25) provided, however, such activity is conducted exclusively by the residents and is within a dwelling allowed under (3), (4) or (5) above or is within accessory buildings that have a primary function of supporting farming practices. | (11)                            | (11)                              | (11)                                       | (11)                    | N/A                  |
| (25) Major Rural Home Occupations (see LC 10.342-05 through 10.342-25) provided, however, such activity is conducted exclusively by the residents and is within a dwelling allowed under (3), (4) or (5) above or is within accessory buildings that have a primary function of supporting farming practices. | (12)                            | (12)                              | (12)                                       | (12)                    | N/A                  |
| (26) Golf courses.  | (12)                            | (12)                              | (12)                                       | (12)                    | (12)                 |

| Buildings & Uses  | Table I                         |                                   |  |                         |                      |
|---|---------------------------------|-----------------------------------|--|-------------------------|----------------------|
|   | Land Unit<br>(See LC 10.100-40) |                                   |  |                         |                      |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed  | Com-<br>mercial<br>Farm         | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| (27) Temporary or portable sawmills, barkers and chippers. Such a use may be approved for a one-year period which is renewable. These facilities are intended for primary processing of a forest product. Forest products means timber grown upon a parcel of land or contiguous land where the primary processing facility is located. | (11)                            | (11)                              | (11)                                       | (11)                    | (11)                 |
| (28) Boarding of horses for profit.   | (12)                            | (12)                              | (12)                                       | (12)                    | (12)                 |
| (29) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.  | (12)                            | (12)                              | (12)                                       | (12)                    | (12)                 |
| (30) Land Divisions.  | (11)                            | (11)                              | (11)                                       | (11)                    | (11)                 |
| (31) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).   | (6)                             | (7)                               | (8)  | (9)                     | (10) <sup>8</sup>    |
| (32) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
|   | (11)                            | (11)                              | (11)                                       | (11)                    | (11)                 |

*(Revised by Ordinance 13-72, Effective 7.21.72; 1-74, 3.6.74; 9-75, 7.2.75; 3-76, 4.7.76; 5-81, 4.8.81; 1-82, As Amended, 4.16.82; 10-04, 6.4.04)*

### 10.100-12 Review Process.

For uses listed in Table I above, the following review processes are applicable:

- (1) Permitted Use. Review is limited to determination of qualifications.
- (2) Special Use.

- (a) Subject to approval of the Planning Director as provided in LC 10.316, and
- (b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10 but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the

<sup>8</sup> See #1.

digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area.

(3) Special Use.

- (a) Subject to approval of the Planning Director as provided in LC 10.316, and
- (b) The subject property although smaller in size than other commercial farm units in the immediate area.
  - (i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and
  - (ii) Will contribute in a substantial way to the agricultural economy of the County, and
  - (iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

(4) Special Use.

- (a) Subject to approval of the Planning Director as provided in LC 10.316, and
- (b)
  - (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).
  - (ii) Is consistent with the purpose of ORS 215.243.
  - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
  - (iv) Does not materially alter the stability of the overall land use pattern of the area.
  - (v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.
  - (vi) Will not be adversely affected by natural hazards, such as floods, slides and erosion.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(5) Special Use.

- (a) Subject to approval of the Hearings Official as provided in LC 10.317, and
- (b)
  - (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).
  - (ii) Is consistent with the purpose of ORS 215.243.
  - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
  - (iv) Does not materially alter the stability of the overall land use pattern of the area.
  - (v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.
  - (vi) Will not be adversely affected by natural hazards, such as floods, slides and erosion.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(6) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13. Land division resulting in parcels meeting the area requirements of LC 10.360-10 shall be deemed as conforming with ORS 215.243.

(7) (a) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight sur-

rounding and adjacent sections excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area. Findings of compliance with this criterion shall be deemed as complying with ORS 215.243.

(8) Subject to approval of the Land Development Review Chairman (Planning Director) as provided in LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(vi) Does not materially alter the stability of the overall land use pattern of the area.

(b) The subject property, although smaller in size than other commercial farm units in the immediate area:

(i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

Findings of compliance with these criteria shall be deemed as complying with ORS 215.243.

(9) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(c) (i) The parcel to be divided is marginal agricultural land.

(ii) The parcel to be divided cannot now or in the foreseeable future be found profitable.

(iii) Parcels slightly larger than the parcel to be divided cannot be economically farmed.

(iv) Most farming operations in the area are on farms of the size proposed by the division.

(v) Greater agricultural utilization will result from breaking the undivided parcel into small farms as proposed.

(10) Subject to approval of the Land Development Review Committee Chairman (Planning Director) as provided in LC Chapter 13.

- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
- (ii) Is consistent with the purpose of ORS 215.243.
- (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
- (iv) Does not materially alter the stability of the overall land use pattern of the area.
- (v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

- (b) (i) Agricultural land will be maintained as a natural and economic asset.
- (ii) There will be no intrusion into the block of agricultural land surrounding the subject property.
- (iii) There will be no urban development.
- (iv) The owners of property will be encouraged to maintain the exclusive farm use zone.

- (c) Where the parcel(s) are proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the proposed parcel(s) have been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(11) Special Use.

- (a) Subject to approval of the Planning Director as provided in LC 10.316, and
- (b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).
- (ii) Is consistent with the purpose of ORS 215.243.
- (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
- (iv) Does not materially alter the stability of the overall land use pattern of the area.
- (v) Will not be adversely affected by natural hazards, such as floods, slides, erosion.

(12) Special Use.

- (a) Subject to approval of the Hearings Official as provided in LC 10.317, and
- (b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).
- (ii) Is consistent with the purpose of ORS 215.243.
- (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
- (iv) Does not materially alter the stability of the overall land use pattern of the area.
- (v) Will not be adversely affected by natural hazards, such as floods, slides, erosion.

(13) Special Use.

- (a) Subject to approval of the Planning Director as provided in LC 10.316, and
- (b) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
- (ii) Is consistent with the purpose of the Zoning District and ORS 215.243.
- (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
- (iv) Does not materially alter the stability of the overall land use pattern of the area.



(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

(vii) Will not cause hazardous conditions.

(viii) Where the dwelling or mobile home is proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the lot or parcel upon which the dwelling or mobile home is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3). *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

### **10.100-20 Conflicting Provisions.**

No provision of this section shall be construed to authorize any use included within the definition of farm use or specially authorized as a non-farm use in ORS 215.203 and 215.213. *(Revised by Ordinance 13-72, Effective 7.21.72)*

### **10.100-23 Setback Requirements.**

(Also see LC 10.300-15 and 15.065 - .095)

(1) Front yard setback shall be 20 feet.

(2) Side yard setback shall be as follows:

(a) Interior yard -- 15 feet for a main building; five feet for an accessory building or structure.

(b) Street side yard -- 20 feet.

(3) Rear yard setback shall be 20 feet for a main building; five feet for an accessory building or structure. *(Revised by Ordinance 13-72, Effective 7.21.72; 6-75, 3.26.75; 3-76, 4.7.76)*

### **10.100-30 Land Division Requirements.**

Land within the EFU District shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

(1) Land division shall be effected only by partition as defined by LC 13.010(5). Subdivision of land as defined by LC 13.010(9) is expressly prohibited.

(2) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.100-10(2). *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

### **10.100-40 Land Units.**

For purposes of using Table I (LC 10.100-10), the following shall apply:

(1) Commercial Farm Unit is a contiguous ownership meeting the area requirements of LC 10.360-10.

(2) Special Commercial Farm Unit I is a contiguous ownership meeting the area requirements set forth in LC 10.100-12(2).

(3) Special Commercial Farm Unit II is a contiguous ownership meeting the area requirements set forth in LC 10.100-12(3).

(4) Farm Unit is any contiguous ownership used for farm use as defined by this chapter and not meeting the requirements of LC 10.100-40(1), (2) or (3) above.

(5) Non-farm Unit is any parcel of land not used for farm purposes as defined by this chapter. *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

**10.100-45 Nonconforming Uses and Use of Preexisting Parcels.**

(1) A legally established non-farm use existing at the time zone is applied and is unintentionally destroyed by fire, other casualty or natural disaster may be reestablished to its previous nature and extent, but the reestablishment shall meet all building, plumbing, sanitation, State Building Code and LC Chapter 15, Setback Requirements.

(2) If a preexisting parcel meets the minimum area requirements of this section for a commercial farm parcel, uses may be established as provided in this section.

(3) Except as provided in LC 10.100-45(1) above, if a preexisting parcel does not meet the minimum area requirements of this section for a commercial farm parcel, the parcel is deemed a non-farm lot and any proposed single-family dwelling, mobile home and accessory building shall be deemed a non-farm use. Any other use listed in LC 10.100-10 above may be established in accordance with procedures and criteria in LC 10.100-10. *(Revised by Ordinance 1-82, As Amended, Effective 4.16.82)*

**10.100-50 Applications.**

Any application submitted for review under this section must state which land unit and review process is applicable. Failure to meet the applicable criteria and standards shall result in denial of the application. Consideration of the request under different criteria (i.e. those applicable to a different land unit) shall be only upon the submission of a new application. The provisions of LC 10.316-90, 10.317-95 or 10.318-95 shall not apply to re-submission of an application under such circumstances. *(Revised by Ordinance No. 1-82 As Amended, Effective 4.16.82)*

**10.100-95 Telecommunication Towers.**

Notwithstanding the requirements in LC 10.100-05 through -50 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400 and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

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provided further that materials produced are used solely in conjunction with forest or farm use activities.

(9) Mineral exploration, provided the following standards are not exceeded:

(a) One acre of area for exploration, including all accessory buildings, access facilities and surface mining refuse.

(b) A result of 500 cubic yards annually of surface mining refuse such as waste materials, soil, rock, liquid vegetation and other materials resulting from or displaced by surface mining operations.

(10) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(11) Emergency forest protection facilities such as fire towers, temporary fire suppression crew quarters, fire attacking landing strips for airplanes, or other similar uses.

(12) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-04, 6.4.04)*

#### **10.103-15 Special Uses - Director Approval.**

The following uses are subject to approval by the Director pursuant to Type II procedures of LC Chapter 14.

(1) One single-family dwelling or mobile home per lot in conjunction with uses permitted under LC 10.103-10(1) through (3) above. Such use of the property must be documented by:

(a) Designation of the property by County Tax Assessor as receiving either forest or farm tax deferral; or

(b) A satisfactory forest or agricultural management plan that, if implemented, would qualify the property for forest or farm tax deferral;

(c) A cooperative or lease agreement with another owner of forest or farmland for management of the property.

(2) Group quarters or transient lodging in conjunction with uses permitted under LC 10.103-10 above.

(3) Disposal sites for waste materials generated through the production, harvesting or manufacturing of forest crops, provided, however, such sites are not within 1,000 feet of any Zone District that is not an EFU, A-1, A-2, F-2, M-3, S-G or SG/CP District.

(4) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83; 10-04, 6.4.04)*

#### **10.103-20 Special Uses - Hearings Official's Approval.**

The following uses are subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14.

(1) Public or private recreational uses which exceed the requirements for camping and picnic uses allowed as a permitted use in LC 10.103-10(5) above.

(2) Disposal sites for waste materials not meeting the requirements for a permitted use in LC 10.103-15(3) above.

(3) Dams, water storage areas, electrical generation facilities power transmission stations, substations and other similar facilities, electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines, canals, flumes and pipelines and other communication facilities not allowed as a permitted use in LC 10.103-10(1) above.

(4) Rock, sand and gravel and loam extraction, quarries, including processing and stockpiling, which does not satisfy the requirements for an allowable permitted use as provided in LC 10.103-10(8) above.

(5) Mining operations which do not satisfy the requirements for an allowable permitted use as provided in LC 10.103-10(9) above.

(6) Forest crop processing facilities not otherwise allowed as a permitted use in LC 10.103-10(1) and (2) above.

(7) Major Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(8) Geothermal development, including site development generation facilities, transmission lines or pipes, substations and communication facilities. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83)*

**10.103-25 Special Use Criteria.**

Special uses authorized by LC 10.103-15 and 10.103-20 above shall be approved only upon submission of evidence the following criteria are met:

(1) Any building, mobile home or structure used for residential purposes.

(a) Shall not be located within 500 feet of forest or agricultural lands not owned by the applicant, except in such circumstances when the existing ownership pattern, natural features of a parcel, the location of access roads, other dwelling units or the surrounding land use would permit clustering of dwellings so as to preserve larger contiguous forested areas and buffering from forestry or agricultural operations.

(b) Shall be located on the least productive portions of the parcel, considering soil productivity, existing dwelling and structures, natural hazards, access and the surrounding land use.

(c) Shall be located a compatible distance from a forest product processing facility.

(d) Shall maintain a minimum fuel break of 100 feet cleared of flammable material between the dwelling and forest land. Such fuel break shall be continually maintained and may contain ornamental shrubbery, single specimen trees or similar plants used as ground cover, however, the plants should not be a means of rapidly spreading fire.

(e) Shall provide a fire suppression system that includes the following:

(i) A pond, stream, tank, or sump with storage of not less than 1,000 gallons or well capable of delivering 20 gallons per minute, provided such well is on an independent power system.

(ii) A water pump capable of pumping not less than 20 gallons per minute.

(iii) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(iv) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during periods of fire danger.

(f) Shall clearly demonstrate the necessity for siting the residential structure on the property as opposed to other areas not zoned for resource purposes.

(2) In addition to other applicable requirements set forth in LC Chapter 15 and LM Chapter 15, the following requirements for appropriate access and egress of emergency firefighting equipment shall be observed.

(a) Maintenance of a shaded fuel break within dedicated road rights-of-way.



**10.104-15 Special Uses - Director Approval.**

The following uses subject to approval by the Director pursuant to Type II procedures of LC Chapter 14:

(1) One single-family dwelling or one mobile home per lot in conjunction with uses permitted under LC 10.104-10(1) and (2) above. Such use of the property shall be documented by:

(a) Designation of the property by the County Assessor as receiving either forest or farm tax deferral; or

(b) A satisfactory or farm management plan that, if implemented, would qualify the property for forest or farm tax deferral; or

(c) A cooperative or lease agreement with another owner of forest or farmland for management of the subject property.

(2) One single-family dwelling or one mobile home per lot not in conjunction with uses permitted under LC 10.104-10(1) and (2) above or a lot or parcel created for such purpose, provided that:

(a) The addition and location of new structures and improvements, including dwellings, roads, utilities, fences, wells, etc., will not impose limitations upon existing farm or forestry practices in the area;

(b) The use will not detrimentally affect the farm or forestry operations of the area through increased use of roads, interference with farm or forestry uses or practices or demand for public facilities;

(3) Public and semipublic buildings and structures rendering a direct service to the public in local areas such as fire stations or utility substations.

(4) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83; 10-04, 6.4.04)*

**10.104-20 Special Uses - Hearings Official Approval.**

The following uses, and no others, subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14:

(1) The following uses, when such uses are operated as a separate business or enterprise not in conjunction with a farm use in certain locations determined not to be detrimental to the forest or agricultural character of the area and to be of benefit to the community at large, for example, along railroads, major highways or in small population centers:

(a) Hop, nut and fruit dryers.

(b) Feed mixing and storage facilities.

(c) Hullers.

(d) Mint distilleries.

(e) Seed processing, packing, shipping and storage.

(f) Plants for the storage, packing or wholesaling of agricultural products produced on the premises.

(g) Feed lots.

(h) Temporary and portable sawmills, barkers and chippers.

(i) Wine processing.

(j) Any other similar activities or other allied farm commercial activities.

(2) Animal hospitals; kennels.

(3) Churches.

(4) Public and private schools.

- (5) Parks, playgrounds and community centers owned and operated by a governmental agency or a nonprofit community organization.
- (6) Lodges and grange halls.
- (7) Electric transmission facilities transmitting electric current in excess of 150,000 volts in any single cable or line or group of cables or lines.
- (8) Flood control facilities and irrigation projects.
- (9) Radio and television transmission towers; broadcast studios or stations.
- (10) Accessory dwellings for persons employed on the premises.
- (11) Stables, riding academies and commercial riding.
- (12) Airports, heliports or aircraft landing fields.
- (13) Cemeteries.
- (14) Golf courses.
- (15) Rock, sand, gravel and loam excavations, extraction of general resources, with incidental processing which exceed the requirements for an allowable permitted use as provided in LC 10.104-10(9) above.
- (16) Solid waste disposal facilities.
- (17) Sewage treatment facilities.
- (18) Major Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).
- (19) Communication facilities not accessory to a permitted use.
- (20) Dams, water storage areas, electrical generation facilities, canals, flumes, pipelines and other similar facilities.
- (21) Cluster developments may be permitted as a special use as follows:
  - (a) The developer is in accord with all applicable portions of the Lane County Coals and Policies, functional plans and subarea plans.
  - (b) The development is in accord with the criteria of ORS 215.213(3) for each home site or assures the retention of forest lands for forest uses.
  - (c) The development is justified by an exception to the applicable natural resource goal, LCDC Goal 3 or 4, or both such goals, as applicable. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83)*

**10.104-25 Special Use Criteria.**

Special uses authorized under LC 10.104-15 or 10.104-20 above shall be approved only upon submission of evidence the following criteria are met.

- (1) Any building, mobile home or structure used for residential purposes:
  - (a) Shall be sited close to existing access roads or other dwellings, or shall be naturally buffered from adjacent properties where farm and forest uses are practiced, or a natural buffer shall be established and utilized between adjacent forest lands and the proposed dwellings;
  - (b) Shall be located on the least productive portions of the parcel considering soil types, soil constraints such as erosion, drainage, slides, flooding, soil productivity, existing dwellings, structures, access, surrounding land use and existing rural services and facilities;
  - (c) Shall maintain a minimum fuelbreak of 100 feet cleared of flammable material between the dwelling and forest land. Such fuel break shall be continually maintained and may contain ornamental shrubbery, single specimen trees or similar plants used as ground cover; however, the plants should not be a means of rapidly spreading fire;
  - (d) Shall provide a fire suppression system that includes the following:

Table I

| Buildings & Uses   | Land Unit<br>(See LC 10.100-40) |                                   |  |                         |                      |
|--|---------------------------------|-----------------------------------|--|-------------------------|----------------------|
|  | Com-<br>mercial<br>Farm         | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed                   |                                 |                                   |  |                         |                      |
| ded such processing does not take place within two air miles of a vineyard planted at the time the initial processing application is made. |                                 |                                   |  |                         |                      |
| (d) Processing of other mineral resource and other subsurface resources.   | (5)                             | (5)                               | (5)  | (5)                     | (5)                  |
| (25) Creation of, restoration of, or enhancement of wetlands.  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (26) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (27) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).   | (11)                            | (11)                              | (11)                                       | (11)                    | (11)                 |
| <i>(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91; 10-04, 6.4.04)</i>                        |                                 |                                   |  |                         |                      |

#### 10.106-12 Review Process.

For uses listed in Table I above, the following review processes are applicable:

- (1) Permitted Use. Review is limited to determination of qualifications.
- (2) Special Use.
  - (a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and
  - (b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area.
- (3) Special Use.
  - (a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and
  - (b) The subject property, although smaller in size than commercial farm units in the immediate area.
    - (i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and
    - (ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

(4) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(5) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(6) Subject to Director approval pursuant to LC Chapter 13. Land division resulting in parcels meeting the area requirements of LC 10.360-10 shall be deemed as conforming with ORS 215.243.

(7) (a) Subject to Director approval pursuant to LC Chapter 13, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll.

Ownerships of less than 10 acres shall not be included in the calculations of the median area. Findings of compliance with this criterion shall be deemed as complying with ORS 215.243.

- (8) Subject to Director approval pursuant to LC Chapter 13, and
- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
  - (ii) Is consistent with the purpose of ORS 215.243.
  - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
  - (iv) Does not materially alter the stability of the overall land use pattern of the area.
  - (b) The subject property, although smaller in size than other commercial farm units in the immediate area.
    - (i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and
    - (ii) Will contribute in a substantial way to the agricultural economy of the County, and
    - (iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers in the region.

Findings of compliance with these criteria shall be deemed as complying with ORS 215.243.

- (9) Subject to Director approval pursuant to LC Chapter 13, and
- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
  - (ii) Is consistent with the purpose of ORS 215.243.
  - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
  - (iv) Does not materially alter the stability of the overall land use pattern of the area.
  - (b) (i) Agricultural land will be maintained as a natural and economic asset.
  - (ii) There will be no intrusion into the block of agricultural land surrounding the subject property.
  - (iii) There will be no urban development.
  - (iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

- (c) (i) The parcel to be divided is marginal agricultural land.
- (ii) The parcel to be divided cannot now or in the foreseeable future be found profitable.
- (iii) Parcels slightly larger than the parcel to be divided cannot be economically farmed.
- (iv) Most farming operations in the area are on farms of the size proposed by the division.
- (v) Greater agricultural utilization will result from breaking the undivided parcel into small farms as proposed.

- (10) Subject to Director approval pursuant to LC Chapter 13.
- (a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).
  - (ii) Is consistent with the purpose of ORS 215.243.
  - (iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(c) Where the parcel(s) are proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the proposed parcel(s) have been disqualified for valuation at true cash value for farm use under ORS 308.370.

(11) Special Use.

(a) Subject to Director approval pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

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

(12) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(13) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of the Zoning District and ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

(vii) Will not cause hazardous conditions.

(viii) Where the dwelling or mobile home is proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the lot or parcel upon which the dwelling or mobile home is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 16-83, 9.14.83)*

**10.106-15 Land Division Requirements.**

(1) Land within the A-1 District shall be subject to the following provisions for addition to the requirements of LC Chapter 13.

(a) Land division shall be effected only by partition as defined by LC 13.010(5). Subdivision of land as defined by LC 13.010(9) is expressly prohibited.

(b) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.106-10(2).

(c) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone.

(d) A division of land may be allowed to create a parcel with an existing Residential Home, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91)*

Table I

| Buildings & Uses   | Land Unit<br>(See LC 10.100-40) |                                   |  |                         |                      |
|--|---------------------------------|-----------------------------------|--|-------------------------|----------------------|
|  | Com-<br>mercial<br>Farm         | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed   |                                 |                                   |  |                         |                      |
| (ii) Mining of aggregate and other mineral and other subsurface resources to an amount exceeding 1,000 total cubic yards of material or excavation preparatory to mining a surface area of more than one acre.                             |                                 |                                   |  |                         |                      |
| (iii) Processing, as defined in ORS 517.750, of aggregate into asphalt or portland cement; provided such processing does not take place within two air miles of a vineyard planted at the time the initial processing application is made. |                                 |                                   |  |                         |                      |
| (iv) Processing of other mineral resource and other subsurface resources.  | (5)                             | (5)                               | (5)  | (5)                     | (5)                  |
| (39) Creation of, restoration of, or enhancement of wetlands.  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (40) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (41) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).   | (11)                            | (11)                              | (11)                                       | (11)                    | (11)                 |

(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91; 10-04, 6.4.04)

### 10.107-12 Review Process.

For uses listed in Table I above, the following review processes are applicable:

- (1) Permitted Use. Review is limited to determination of qualifications.
- (2) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10 but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area.



(3) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) The subject property, although smaller in size than other commercial farm units in the immediate area:

(i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

(4) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(5) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm use and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above listed criteria are intended to be consistent those provided in ORS 215.213(3).

(6) Subject to Director approval pursuant to LC Chapter 13. Land division resulting in parcels meeting the area requirements of LC 10.360-10 shall be deemed as conforming with ORS 215.243.

(7) (a) Subject to Director approval pursuant to LC Chapter 13, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area. Findings of compliance with this criterion shall be deemed as complying with ORS 215.243.

(8) Subject to Director approval pursuant to LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(b) The subject property although smaller in size than other commercial farm units in the immediate area:

(i) Is unique in that the types of products produced, while following accepted farming practices, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

Findings of compliance with those criteria shall be deemed as complying with ORS 215.243.

(9) Subject to Director approval pursuant to LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(c) (i) The parcel to be divided is marginal agricultural land.

(ii) The parcel to be divided cannot now or in the foreseeable future be found profitable.

(iii) Parcels slightly larger than the parcel to be divided cannot be economically farmed.

(iv) Most farming operations in the area are on farms of the size proposed by the division.

(v) Greater agricultural utilization will result from breaking the undivided parcel into small farms as proposed.

(10) Subject to Director approval pursuant to LC Chapter 13.

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

(c) Where the parcel(s) are proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the proposed parcel(s) have been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(11) Special Use.

(a) Subject to approval of the Director pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Will not be adversely affected by natural hazards, such as goods, slides, erosion.

(12) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use

(iv) Does not materially alter the stability of the overall land use pattern of the area.

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

(13) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14, and

(b) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of the Zoning District and ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

(vii) Will not cause hazardous conditions.

(viii) Where the dwelling or mobile home is proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the lot or parcel upon which the dwelling or mobile home is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3). *(Revised by Ordinance No. 1-82, As Amended, Effective 4.16.82; 16-83, 9.14.83)*

**10.107-20 Land Division Requirements.**

Land with the Limited Agricultural Land District (A-2) shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

(1) Land divisions shall be effected only by partition as defined by LC 13.010(5). Subdivision of land as defined by LC 13.011(9) is expressly prohibited.

(2) The exclusion of lands subject to the provisions of LC Chapter 13, set forth in LC 13.010(1)(d) shall not apply to lands within the Limited Agricultural Land District (A-2).

(3) The division of land within the Limited Agricultural Land District (A-2) by lease or rental for any farm purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.107-10(2) above.

(4) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone.

(5) A division of land may be allowed to create a parcel with an existing Residential Home, provided the parcel is not larger than the minimum size necessary for the use and if the division would not conflict with the purpose of this zone. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91)*

**10.107-30 Land Units.**

For purposes of using Table I (LC 10.107-10), the following shall apply:

(a) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(b) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(c) Where lot area exceeds 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(d) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(10) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83; 10-04, 6.4.04)*

**10.112-15 Special Uses-Planning Director Approval.**

(1) The following uses subject to approval by the Planning Director pursuant to Type II procedures of LC Chapter 14:

(a) Commercial activities in conjunction with a farm or forest use, provided that such activities are conducted by the owner or operator of the farm or forest use and provided further that they do not constitute a separate business or enterprise.

(b) The following animal husbandry uses where such uses are intended for the primary purpose of selling animals or animal products for profit.

(i) Raising, tending or breeding of swine.

(ii) Raising, tending or breeding of furbearing animals.

(c) Raising, tending or breeding of fowl for meat or egg production.

(d) Accessory dwellings for persons employed on the premises.

(2) Special uses shall be approved by the Planning Director unless there is a specific finding the use or activity will result in one of the following:

(a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning District(s).

(b) The use is not consistent with the purpose of the GR-1 District.

(c) The use will interfere with accepted farming or forestry practices on lands in the surrounding area that are devoted to such use.

(d) The use will be adversely affected by known natural hazards, such as floods, slides, erosion.

(e) The use will create a hazardous natural condition such as erosion, landslide, flooding. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83)*

**10.112-20 Special Uses-Hearings Official Approval.**

(1) The following uses subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14:

(a) Animal hospitals.

(b) Campgrounds, camping vehicle parks, tourist parks.

(c) Cemeteries.

(d) Churches.

(e) Dams, water storage facilities, power generation or transmission facilities, substations and similar facilities; electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines; canals, flumes and pipe lines; flood control facilities and irrigation projects.

(f) Day Care nurseries.

(g) Golf courses.

(h) Group care homes.

(i) Kennels which do not satisfy the requirements for kennels as a permitted use.

(j) Lodges and grange halls.

(k) Major Rural Home Occupations.

(l) Nursing homes.

(m) Parks, playgrounds and community centers.

(n) Public and private schools.

(o) Radio and television transmission facilities.

(p) Rock, sand, gravel, loam, excavation, extraction of mineral resources with incidental processing.

(q) Solid waste disposal facilities.

(r) Stables, riding academies and commercial riding.

(s) Storage facilities for boats and recreational vehicles.

(t) Sewage treatment facilities.

(u) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).

(v) Other uses similar to the above and not specifically authorized anywhere in this chapter.

(2) Special uses shall be approved by the Hearings Official unless there is a specific finding that the proposed use or activity will result in one of the following:

(a) Will adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(b) Be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(c) Be unduly potentially affected by natural hazards, such as floods, slides or faults.

(d) Result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(e) Result in significant undue water or air pollution. In making this determination, at least the following may be considered.

(i) The relation of flood plains.

(ii) The nature of soil and subsoil and their ability to adequately support waste disposal.

(iii) The slope of the land and its effect on effluents.

(iv) The availability of streams approved or capable of being approved for the disposal of treated effluents.

(v) Applicable climatical conditions.

(vi) The applicable water and air regulations.

(f) Not have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(g) Cause an unreasonable burden on existing or future community facility systems.

(h) Cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy or otherwise undesirable condition.

(i) Cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.

(j) Place an unreasonable burden on the ability of local governmental agencies to provide public services. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 16-83, 9.14.83; 10-04, 6.4.04)*

(c) Where lot area exceeds 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(d) All dogs shall be owned by the kennel owner except those temporarily kept for purposes of breeding.

(10) Commercial activities in conjunction with a farm or forest use, provided that such activities are conducted by the owner or operator of the farm or forest use and provided further that they do not constitute a separate business or enterprise.

(11) Rock, sand, gravel or loam excavation or extraction, provided materials produced are for the sole use of the owner or operator and are not offered for sale or remuneration and provided further the total excavation or extraction does not exceed 5,000 cubic yards annually.

(12) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83; 10-04, 6.4.04)*

**10.113-15 Special Uses - Planning Director Approval.**

(1) The following uses subject to approval by the Planning Director pursuant to Type II procedures of LC Chapter 14:

(a) Accessory dwellings for persons employed on the premises.

(2) Special Uses shall be approved by the Planning Director, unless there is a specific finding that use or activity will result in one of the following:

(a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning Districts.

(b) The use is not consistent with the purpose of the GR-II District.

(c) The use will interfere with accepted farming or forestry practices on lands in the surrounding area that are devoted to such use.

(d) The use will be adversely affected by known natural hazards, such as floods, slides, erosion.

(e) The use will create a hazardous natural condition such as erosion, landslide, flooding. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83)*

**10.113-20 Special Uses - Hearings Official Approval.**

(1) The following uses subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14:

(a) Animal hospitals.

(b) Campgrounds, camping vehicle parks, tourist parks.

(c) Cemeteries.

(d) Churches.

(e) Dams, water storage facilities, power generation or transmission facilities, substations and similar facilities; electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines; canals, flumes and pipelines; flood control facilities and irrigation projects.

(f) Day care nurseries.

(g) Golf courses.

(h) Group care homes.

(i) Kennels which do not satisfy the requirements for kennels as a permitted use.

(j) Lodges and grange halls.

(k) Major Rural Home Occupations.

(l) Nursing homes.

- (m) Parks, playgrounds and community centers.
- (n) Public and private schools.
- (o) Radio and television transmission facilities.
- (p) Rock, sand, gravel, loam excavation, extraction of mineral resources with incidental processing.
- (q) Solid waste disposal facilities.
- (r) Stables, riding academies and commercial riding.
- (s) Storage facilities for boats and recreational vehicles.
- (t) Sewage treatment facilities.
- (u) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).
- (v) Other uses similar to the above and not specifically authorized in this chapter.

(2) Special Uses shall be approved by the Hearings Official, unless there is a specific finding that the proposed use or activity will result in one of the following:

(a) Will adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(b) Be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(c) Be unduly potentially affected by natural hazards, such as floods, slides or faults.

(d) Result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(e) Result in significant undue water or air pollution. In making this determination, at least the following may be considered:

(i) The relation to floodplains.

(ii) The nature of soil and subsoil and their ability to adequately support waste disposal.

(iii) The slope of the land and its effect on effluents.

(iv) The availability of streams approved or capable of being approved for the disposal of treated effluents.

(v) Applicable climactical conditions.

(vi) The applicable water and air regulations.

(f) Not have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(g) Cause an unreasonable burden on existing or future community facility systems.

(h) Cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy or otherwise undesirable condition.

(i) Cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.

(j) Place an unreasonable burden on the ability of local governmental agencies to provide public services. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 16-83, 9.14.83; 10-04, 6.4.04)*

### **10.113-30 Setback Requirements.**

The minimum setback distance for any main or accessory building in the General Rural II District shall be those specified in LC 15.065 through 15.095. *(Revised by Ordinance No. 16-80, Effective 9.27.80)*



Comprehensive Plan provisions relating to the respective city urban growth boundary.  
(Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)

**10.122-10 Permitted Buildings and Uses.**

All buildings and uses permitted in the respective district with which the /U District is combined, except as herein specifically modified. (Revised by Ordinance No. 15-79, Effective 12.1.79; 7-08, 12.31.10)

**10.122-13 Special Uses--Planning Director Review.**

All buildings and uses subject to the approval of the Planning Director, pursuant to Type II procedures of LC Chapter 14, in the respective district with which the /U District is combined, except as herein specifically modified. (Revised by Ordinance No. 10-82, Effective 7.9.82; 16-83, 9.14.83; 7-08, 12.31.10)

**10.122-14 Special Uses--Hearings Official's Approval.**

All buildings and uses subject to the approval of the Hearings Official, pursuant to Type III procedures of LC Chapter 14, in the respective district with which the /U District is combined, except as herein specifically modified. (Revised by Ordinance No. 10-82, Effective 7.9.82; 16-83, 9.14.83; 7-08, 12.31.10)

**10.122-15 Conditional Uses.**

All buildings and uses permitted conditionally in the respective district with which the /U District is combined, except as herein specifically modified. (Revised by Ordinance No. 15-79, Effective 12.1.79; 7-08, 12.31.10)

**10.122-20 Site and Development Requirements.**

The requirements for yards, setbacks, coverage, vision clearance, height and parking shall be the same as provided in the respective district with which the /U District is combined, except as herein specifically modified. (Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)

**Florence Urban Growth Boundary**

**10.122-25 Location.**

The /U Combining District is for the purpose of reviewing land within those areas that are considered transitional and/or marginal; conditions which could either restrict and/or limit urban and semi-urban uses. (Revised by Ordinance No. 10-82, Effective 7.9.82)

**10.122-30 Lot Area.**

(1) For land within the Florence UGB that is within the North Florence Dunal Aquifer boundary, as designated by the U.S. Environmental Protection Agency in September, 1987, no land divisions shall be allowed prior to annexation to the City.  
(Revised by Ordinance No. 10-82, Effective 7.9.82; 2-83, 4.1.83; 7-08, 12.31.10)

**Eugene-Springfield Urban Growth Boundary**

**10.122-35 Location.**

The /U Combining District is to be applied to urbanizable properties designated for residential use in the Eugene-Springfield Metropolitan Area General Plan which are undeveloped or which are wholly or partially underdeveloped. In situations where property is zoned /U on the periphery of the urban growth boundary and the growth boundary may bisect the property by generally following a physical feature, such as a

**10.181-15 Special Uses--Director Review.**

The following uses are subject to approval by the Director pursuant to Type II procedures of LC Chapter 14.

(1) When combined with the M-1 District, all buildings and uses specifically listed in the M-1 District as permitted buildings and uses, and not to include those buildings and uses otherwise referenced by inclusion within another District.

(2) When combined with the M-2 and M-3 Districts, all buildings and uses specifically listed in the M-1 and M-2 Districts as permitted buildings and uses, and not to include those buildings and uses otherwise referenced by inclusion within another District. *(Revised by Ordinance No. 20-80; Effective 11.14.80; 16-83, 9.14.83)*

**10.181-20 Special Uses--Hearings Official's Approval.**

The following uses are subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14:

(1) When combined with the M-1 District, all conditional uses allowable within the M-1 District.

(2) When combined with the M-2 District, all conditional uses allowable within the M-1 and M-2 Districts.

(3) When combined with the M-3 District:

(a) All buildings and uses specifically listed as a permitted building and use within the M-3 District.

(b) All conditional uses allowable within the M-3 District. *(Revised by Ordinance No. 20-80; Effective 11.14.80; 16-83, 9.14.83)*

**10.181-25 Special Use Criteria.**

Special uses authorized by LC 10.181-15 and 10.181-20 above shall be approved only upon submission of evidence the following criteria are met:

(1) LC 10.181-15:

(a) That the location, design, size, shape and arrangement of the uses and structures are in scale and are compatible with the surroundings.

(b) That there is a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses, resulting in an attractive, healthful and pleasant environment for living, shopping or working.

(c) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(d) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(e) That suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(f) That the location, design and size of the uses are such that the establishments to be accommodated will be adequately served by facilities and services suitable for the intended uses.

(g) That, based on anticipated traffic generation, adequate additional right-of-way and road improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC

- (e) Seed processing, packing, shipping and storage.
- (f) Plants for the storage or packing of agricultural products on the premises.
- (g) Wine processing.
- (h) Any other similar processing and allied farm commercial activities.
- (5) Sale of agricultural products and livestock grown or raised on the premises.
- (6) Sales stands for agricultural products not grown nor raised on the premises, such stands to be no greater than 300 square feet in sales area.
- (7) Single-family dwellings and mobile homes for persons employed on the premises and associated with a use allowed in the M-4 District.
- (8) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
- (9) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).
- (10) Public and semipublic buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells, and electric transmission lines.
- (11) Kennel, provided the following conditions are satisfied:
  - (a) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
  - (b) Where the lot area is less than 20 acres, the maximum number of dogs over four months of age shall be eight.
  - (c) Where lot area is a minimum of 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from an adjoining property.
  - (d) All dogs shall be owned by the kennel owner, except those temporarily kept for the purposes of breeding.
- (12) Transportation facilities and uses as specified in LC 10.500-15(1) through
- (13). *(Revised by Ordinance No. 10-82; Effective 7.9.82; 10-04, 6.4.04)*

**10.182-20 Special Uses --Hearings Official's Approval.**

The following uses area subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14.

- (1) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (2) Sales stand for agricultural products not grown nor raised on the premises and which exceed 300 square feet in sales area.
- (3) Airport, heliport or aircraft landing field associated with a use allowed in the M-4 Districts.
- (4) Carnival or circus, outdoor.
- (5) Sanitary landfill or resource recovery related facility.
- (6) Rock, sand, gravel and loam excavation.
- (7) Sewage treatment plant.
- (8) Stable and academy, commercial riding.
- (9) Radio or TV transmission tower.
- (10) Facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.
- (11) Expansion of a lawful preexisting use in excess of that allowed as a permitted use; change of use of lawful pre-existing structures to a use not otherwise allowed as an authorized use in the M-4 District.

(12) Uses primarily engaged in the processing, preparing and storage of the following uses and which are not otherwise allowed in the M-2 District.

(a) Food products (such as meat and poultry packing, fruit and vegetable canning, fish and seafood canning or curing).

(b) Lumber and wood products (such as sawmills, planing mills, millworks, pulp and paper mills, paperboard manufacturers)

(c) Stone, clay and concrete products (such as asphalt manufacturing or refining plants, brick or tile manufacturing, quarry or stone rock crushing, concrete block and related products manufacturing).

(d) By-products and waste products from other manufacturing processes (such as fertilizer, chemicals, fuels).

(e) Other uses similar to the above.

(f) Commercial and other industrial uses customarily associated with and incidental to the above uses.

(13) The relocation from within Lane County of other heavy industrial uses which require large amounts of land and are not otherwise allowed in the M-2 District.

(14) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 10-82; Effective 7.9.82; 16-83, 9.14.83; 10-04, 6.4.04)*

#### **10.182-25 Special Use Criteria.**

Special uses authorized by LC 10.182-20 above shall be approved only upon submission of evidence the following criteria are met:

LC 10.182-20(1) through (10) above.

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

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

(b) 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 intensity of use; 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), and either

(2) The proposed use can reasonably be expected to be discontinued at the time of conversion of the general vicinity from urbanizable to urban industrial use, and approval can be conditioned accordingly, or

(3) The proposed use:

(a) Will be convertible to or compatible with the future, efficient urban industrial use of the property and the general vicinity as provided in the Comprehensive Plan, and

(b) Will not require nor generate the need for the premature extension of key urban facilities and services, based upon existing long-range public facility plans to provide such services to the area and other information provided by the agency or agencies responsible for the future provision of the services.

LC 10.182-20(11) above.

(4) As listed above for LC 10.182-20(1) through (10); and

(5) Where either water or sewage disposal facilities are not to be provided by a city or an existing public or private utility or special district:

(a) Demonstration of the ability to provide such adequate on-site facilities in a manner which will be compatible with any existing long-range public facility plans to provide such services to the area and which otherwise will not result in the creation of a new, special service district, and

commercial development. The /ICU Combining District may only be used in conjunction with another District. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.13.83)*

**10.183-10 Permitted Uses.**

The following 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.

(1) Lawful uses existing on a property at the time of the effective date of the application of this District to the property, and expansion or replacement of such uses, upon meeting the requisites of LC 10.183-40 below.

(2) The following agricultural uses:

(a) General farming, including, but not limited to, the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed and similar food and fibre products.

(b) Pastures and grazing.

(c) The raising, tending or breeding of cattle, horses, sheep, goats, bees, swine, fowl or fur-bearing animals; such animal husbandry shall not be a part of, nor be conducted in conjunction with, any livestock yard, slaughter house or animal by-product business.

(d) Dairying.

(3) The management, growing and harvesting of forest products, including Christmas tree raising, but excluding primary timber processing operations or vehicles and/or equipment maintenance facilities.

(4) Sale of agricultural products and livestock grown or raised on the premises.

(5) Sales stands for agricultural products not grown nor raised on the premises, such stands to be no greater than 300 square feet in sales area.

(6) One single-family dwelling per lot or one mobile home per lot in conjunction with a farm use or in conjunction with the management, growing or harvesting of forest products.

(7) Accessory buildings and uses customarily provided in conjunction with a use permitted in this subsection.

(8) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions). *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83)*

**10.183-15 Special Uses--Director Review.**

The following uses are subject to approval by the Director pursuant to Type II procedures of LC Chapter 14, and are also subject to approval by the adjacent city according to LC 10.183-30 below.

(1) Mobile homes for persons employed on the premises.

(2) Sales stands for agricultural products not grown nor raised on the premises where such stands exceed 300 square feet in sales area.

(3) All other uses listed as permitted in the District with which the /ICU District is combined. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 16-83, 9.14.83)*

**10.183-20 Special Uses--Hearings Official's Approval.**

The following uses are subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14 and are also subject to approval by the adjacent city according to LC 10.183-30 below.

(1) Major Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(2) Camping vehicle parks.

(3) Campgrounds.

(3) All other uses listed as requiring conditional use approval in the District with which the /ICU District is combined. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83, 16-83, 9.14.83 )*

**10.183-25 Additional Use Limitations--Special Light Industrial Lands.**

For land designated /ICU-50, special uses authorized by LC 10.183-15 and -20 above shall be further limited to such uses which are also authorized in either Eugene City Code Section 9.442, I-1 Special Industrial District, or Springfield Zoning Code Section 5.01, ML Special Light Industrial District, whichever city is adjacent to the property. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82)*

**10.183-30 Review of Special Uses by Adjacent City.**

For special uses authorized in LC 10.183-15 and -20 above, the following additional procedures shall apply relative to the required approval of the adjacent city:

(1) The Department shall refer the application to the adjacent city for appropriate action.

(2) The adjacent city shall take action on the application in accordance with the criteria provided in LC 10.183-35 and with the requirements provided in LC 10.183-50 below and shall report back to the Department on its finding. Failure to officially notify the Department of its finding of consistency with the criteria set forth in LC 10.183-35 below within 30 days from the date of receipt of the referral from the Department shall constitute a recommendation of consistency by the city.

(3) The Planning Director or Hearings Official, as the case may be, shall then take action on the special use application. If the County official's action is inconsistent with the finding of the adjacent city, the official shall make and enter findings from the record and conclusions therefor which support the decision, and the findings and conclusions shall specifically and particularly respond to the finding of the adjacent city. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83)*

**10.183-35 Special Use Criteria.**

Special uses authorized by LC 10.183-15 and -20 above shall be approved only upon submission of evidence the following criteria are met:

(1) The use will not generate, singly or in the aggregate, an additional need for key urban facilities and services: unless the applicant executes an annexation agreement as specified in LC 10.183-45(3)(b) below.

(2) For special uses as provided in LC 10.183-20(4) above, all other criteria applicable to a conditional use required by the District with which the /ICU District is combined.

(3) The use will be designed to conform to the development standards to the city to which the property will most likely be annexed as set forth in LC 10.183-50 below. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83)*

**10.183-40 Additional Special Use Requirement.**

(1) Except as specified below a use authorized by LC 10.183-15 and -20 above and any expansion or replacement authorized by LC 10.183-10(1) above shall require the execution of an annexation agreement between the applicant and the adjacent city, in the manner specified in LC 10.183-45(3)(b) below.

(2) The following uses may be expanded without fulfilling the requirements of LC 10.183-45(5)(b) below:

(a) Canopies or coverings of existing lawful activities.

**10.205-81 Administration.**

(1) Sand and Gravel Review Committee. A Sand and Gravel Review Committee, hereinafter designated the Review Committee, is hereby established and authorized to determine if operating plans or revised plans comply with the requirements of this chapter and with a river plan which may be adopted by the Board.

(a) Membership. The Review Committee shall consist of the following members:

(i) The Planning Director, who shall act as Review Committee Secretary.

(ii) The Public Works Director.

(iii) The Parks and Recreation Director.

(iv) The Director of Building and Sanitation Department (Chief Sanitarian).

(b) Advisory Board. The Review Committee may appoint an advisory board of at least five members. Meetings of the advisory board shall be called by the Review Committee for the purpose of assisting in the development of a river plan, and in particular to make recommendations regarding operations along rivers and streams.

The advisory board shall include:

(i) A member of the Soil Conservation Service.

(ii) A member from a local conservation group.

(iii) A member from the general public.

(iv) A member from the sand and gravel, industry and an alternate, in case this member's firm is being considered by the Review Committee.

(v) A member of a Lane County farm organization.

(vi) Any other appropriate person.

(c) Written Records. The Review Committee and advisory board shall keep written records of all their deliberations.

(d) Referrals. Upon receiving the operating plan or revised plan, the Director shall immediately forward, together with notification of scheduled meeting time and place of the Review Committee, eight copies to the clerk of the Oregon Land Board, two copies to the US Corps of Engineers or other appropriate hydrologic agency, and one copy to the State Water Resources Board. One copy of the plan, or a summary thereof, shall also be referred to each member of the advisory board.

(e) After obtaining the necessary permits of the Oregon State Land Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall, within seven days, approve the plans or require modification in the plans to conform with the requirements of this chapter and with a river design plan which may be adopted by the Board.

(f) The operator shall be allowed to proceed in accordance with the approved or modified plans. The Director of Public Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 10.400 of this chapter. The operator shall then be subject to the penalties of LC 10.990 of this chapter, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

(g) Decisions by the Review Committee pursuant to LC 10.205-81(1)(e) above may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.

(2) Variances. Variances to dimensional standards such as setbacks and slope ratios within this district are subject to approval by the Director pursuant to LC Chapter 14.- and must conform to the following criteria:

- (a) The variance is not in conflict with the general purpose and intent of the district;
- (b) There are exceptional or extraordinary circumstances applicable to the property involved;
- (c) The denial of the request would result in undue and unreasonable property loss to the applicant;
- (d) The variance will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of other property. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82; 16-83, 9.14.83)*

**10.205-82 Materials to be Filed.**

The following materials must be filed with the Director by any person conducting the use specified in LC 10.205-10(1) above within a Sand, Gravel and Rock Products District:

(1) Vertical aerial photograph of all land included in the plan of operations required in LC 10.205-82(5) below enlarged to a scale no smaller than one inch to 200 feet, which is certified by the photographer to have been photographed not more than one year prior to submission. Photographs taken prior to one year from the date of submission may be submitted, if accompanied by a signed declaration of the owner that there have been no substantial changes in land form.

(2) A legal description of the property described above.

(3) A general boundary map, in reproducible form, of the property under the applicant's control, drawn on assessor's maps or the equivalent, or an overlay for the aerial photograph showing boundaries of the property.

(4) Identification of public roads providing direct access to the property.

(5) A general plan of operation in transparent overlay form shall be filed with the Director, containing the following information:

(a) Areas of existing and proposed settling ponds and washing plant facilities.

(b) Areas of existing and proposed processing facilities and stockpiles.

(c) Areas of existing and proposed facilities for resource-related operations.

(d) Areas proposed for excavation, showing adjacent setback areas.

(e) A statement on the transparent overlay, or in text form, specifying the approximate acreage for each of said areas and the average thickness of overburden and topsoil in the areas proposed for excavation.

(f) A series of typical cross sections of excavated areas and areas proposed for excavation which are related directly to the aerial photograph of the area, for the purpose of evaluating the possible flood and erosion hazards of the proposed operations, and of determining compliance with provisions of a river plan which may be adopted by the Board.

(g) Approximate locations of the areas specified in LC 10.205-82(5)(a) through (d) above, and of the typical cross sections, shall be identified on either the boundary map of the area of the aerial photograph. Approximate acreage for each of the said areas shall be specified.

(6) If an operation shall have facilities or stockpiles which existed prior to enactment of this District for any specific area which do not conform to the setback or other standards set forth herein and which are not required to conform, the operator or owner shall also submit specific information as to the location of such nonconforming



**SAND, GRAVEL & ROCK PRODUCTS—  
CONTROLLED PROCESSING DISTRICT (SG/CP)**

**10.210-05 Purpose.**

The provisions of the Sand, Gravel & Rock Products - Controlled Processing District (SG/CP) are intended to provide more restrictive control of processing activities than the Sand, Gravel & Rock Products District (S-G), for the purpose of encouraging the preservation and orderly extraction of sand and gravel deposits and for the protection of surrounding properties by the exercise of greater control over the location and operation of sand and gravel extraction processing activities. It is further intended by the establishment of the SG/CP District that the Comprehensive Plan for Lane County and any pertinent special studies shall be used as a basis to determine where this district would be more appropriate than the S-G District. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.210-20 Regulations.**

The requirements of the SG/CP District shall be the same as provided in the S-G District (LC 10.205), except as expressly provided in this Section.

(1) Land Use Compatibility as Operation Standard. The Sand and Gravel Review Committee shall evaluate, in its consideration of operational plans as provided in LC 10.205-81, the location for the erection or enlargement of all processing equipment and activities, including but not limited to asphalt paving-mix and cement concrete batching plants, by the criteria set forth for conditional use permits in this chapter (LC 10.320-20). In addition to these criteria, the Review Committee shall consider compliance with the adopted Comprehensive Plan of Lane County and shall further consider special studies which have been developed for the subject area. Notwithstanding the provisions of LC 10.205-81(1)(e), the Committee shall disapprove all or a part of any portion of any operations plan involving such processing equipment or activities which, in the Committee's judgment, do not conform to the above-described criteria, plans, or studies.

(2) Administration.

(a) In addition to the same administrative procedures as provided in LC 10.205-81(1)(a) through (d), the following procedures shall apply for (1) processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, and for (2) operations plans which include a request to vary the minimum setback dimensions provided in LC 10.205-21(1) from an SG/CP district boundary.

(i) Review Committee Action. Within seven days after obtaining the necessary recommendations of the Oregon State Land Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall (a) approve the plans or require modification in the plans to conform with the requirements of this chapter and with a river design plan which may be adopted by the Board, or (b) disapprove the plans as authorized in LC 10.210-20(1), above.

The Review Committee shall follow LC Chapter 14 when approving, modifying or denying plans. Decisions by the Review Committee may be appealed in the same manner as provided for in LC Chapter 14 for appeals of decisions by the Director.

(ii) Approved Plans. The operator shall be allowed to proceed in accordance with the plans as finally approved by the Sand and Gravel Review Committee, or Board of Commissioners in the event of appeal. The Director of Public Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs

submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 10.400 of this chapter or other applicable laws. The operator shall then be subject to the penalties of LC 10.990 of this chapter or other applicable law, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

Variances to dimensional standards provided in LC 10.205-21 shall be considered by the Review Committee as a part of the consideration of operational plans and are subject to the same standards and criteria contained in LC 10.205-81(2). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 16-83, 9.14.83)*

## QUARRY AND MINE OPERATIONS COMBINING DISTRICT (/QM)

### 10.220-05 Purpose.

The purpose of the Quarry and Mine Operations Combining District is to:

(1) Recognize that minerals and materials within the County are an unrenewable resource, and that extraction and processing are beneficial to the economy of the County and the welfare of its people.

(2) Protect major deposits of minerals, rock and related material resources with appropriate zoning.

(3) Establish procedures for the protection of public health and safety on and adjacent to land where quarry and mine blasting operations are occurring.

(4) Establish County standards in Chapter 10 of the Lane Manual to be used in reviewing referrals from State and Federal Agencies of Operation and Reclamation Plans, pollution control permits and similar permits.

(5) Provide for cooperation between private and governmental entities in carrying out the purposes of this chapter. *(Revised by Ordinance No. 26-78, Effective 3.16.79; 7-79, 7.11.79)*

### 10.220-06 Intent.

The Quarry and Mine Operations Combining District shall be available for consideration and use by the County for new or existing operations when requests are received as part of an area-wide or legislative rezoning, or a specific property or quasi-judicial rezoning.

The Approved Authority for such rezonings, shall apply site review procedures as provided in LC 10.335-15(5) as part of the rezoning of a property to ensure that the purpose and requirements of this section are met. In addition to the standard site review criteria (LC 10.335-20), the Approved Authority may, at the time of such zoning, establish other specific site review considerations for a property rezoned under the Quarry and Mine Operations (/QM) Combining District.

When property under consideration for /QM zoning is in close proximity to existing and planned uses potentially incompatible with /QM uses, the application of the Quarry and Mine Operations Combining District may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.

The Quarry and Mine Operations Combining District is intended to be applied only to those operations which will be in operation for 10 years or more and will have an average annual extraction of 30,000 cubic yards or more. Smaller, less intense operations of short term or intermittent duration should be provided pursuant to the Conditional Use provisions of this chapter or, where appropriate, the Forest Management zone which provides for quarrying and mining under certain circumstances.

The Quarry and Mine Operations Combining District may be applied to specific operation sites when it has been determined that the establishment of this district will meet the purposes of the Lane County Comprehensive Plan when combined with the

the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

(3) Any authorization for a use allowed within this District must also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

### **10.225-30 Emergencies.**

Estuarine alterations performed under emergency conditions for which the Department of State Lands or other agency with such authority has issued an emergency permit, does not violate this Chapter. The party performing work must submit a copy of written confirmation of such an emergency permit to the County. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

## **NATURAL ESTUARY ZONE (NE-FCP)**

### **10.230-05 Purpose.**

The purpose of the Natural Estuary Zone (NE-FCP) is to assure the protection of significant fish and wildlife habitats and the continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives. The boundaries of the NE-FCP zone are determined by the natural estuarine features. The NE-FCP Zone includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. These are as identified on the official Lane County Coastal Zoning Maps. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

### **10.230-10 Permitted Uses.**

The following uses and no others are permitted outright, provided that no such use involves dredge or fill:

- (1) Undeveloped low-intensity water-dependent recreation.
- (2) Research and educational observations.
- (3) Navigational aids, such as beacons and buoys.
- (4) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (5) Passive restoration measures.
- (6) Maintenance of riprap for protection of uses existing as of October 7, 1977,

unique natural resources, historical and archeological values, and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits; and such maintenance must not increase the size, extent, or scope of the riprap or otherwise alter the estuary.

- (7) Bridge crossings.

*(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 7-91, 6.5.91; 10-04, 6.4.04; 16-11, 2.9.17)*

### **10.230-15 Special Uses Approved by Planning Director.**

The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to Type II limited land use procedures set forth in LC Chapter 14 upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 230-25, and the purpose of the NE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.230-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

10.230-20

Conditional Uses.  
Lane Code

10.230-30

(1) Bridge crossing support structures and dredging necessary for their installation; and dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels.

(2) Expansion of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 6-83, 4.15.83; 7-91, 6.5.91; 16-11, 2.9.17)*

**10.230-20 Conditional Uses.**

The Hearings Official, subject to Type III procedures of LC Chapter 14, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.230-25, and the purpose of the NE-FCP Zone, and upon satisfaction of the all of the applicable criteria in LC 10.230-30 and below. A Resource Capability Assessment is required as set forth in LC 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

(2) Communication facilities.

(3) Active restoration of fish and wildlife habitat or water quality and estuarine management.

(4) Boat ramps for public use where no dredging or fill for navigational access is needed.

(5) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

(6) Temporary alterations, subject to the requirements in the introduction to Conditional Uses and the following additional criteria: the alteration must support a use expressly allowed in this Management Unit in the Florence Comprehensive Plan; it must be for a specified short period of time, not to exceed three years, and the area and affected resources can be restored to their original condition.

(7) Short-term fills for temporary alterations provided the estuarine areas impacted must be restored following removal of the fill. All other fills, regardless of volume, are prohibited in this Management Unit.

(8) Installation of new riprap for protection of uses existing as of October 7, 1977, unique natural resource, historical and archaeological values; and public facilities. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4-8-81; 6-83, 4.15.83; 16-83; 9.14.83; 7-91, 6.5.91; 16-11, 2.9.17)*

**10.230-25 Consistency with Resource Capabilities.**

A use or activity is consistent with the resource capabilities of the Natural Estuary Zone when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.230-30 Alterations to Estuary.**

Dredging and fill and other activities which could potentially alter the estuary are prohibited in this Zone except as expressly permitted through a Special Use Permit or

Conditional Use Permit in LC 10.230-15 or -20. When allowed in LC 10.230-15 or -20, these uses or activities must meet all of the following criteria:

- (1) No feasible alternative upland locations exist;
- (2) The activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in LC 10.230-10, -15 and -20;
- (3) Land use management practices and non-structural solutions to problems of erosion and flooding are preferred to structural solutions. Where shown to be necessary and as allowed in LC 10.230-15 or -20, dredging and fill (whether located in the waterways or on shorelands above ordinary high water mark) must be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
- (4) Dredge or fill activities, found to be subject to state mitigation requirements, must be mitigated, if found to be subject to the mitigation requirement in state law, by 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; and
- (5) All federal and state requirements, including mitigation requirements, are met as a condition of approval. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

### CONSERVATION ESTUARY ZONE (CE-FCP)

#### 10.235-05 Purpose.

The purpose of the Conservation Estuary Zone (CE-FCP) is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this District. The boundaries of the CE-FCP Zone are defined by natural features. The CE-FCP Zone includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; and those not included in the Natural Estuary Zone (NE-FCP). This Zone also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as identified on the official Lane County Coastal Zoning Maps. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

#### 10.235-10 Permitted Uses.

The following uses and no others are permitted outright, provided that no such use involves dredge or fill:

- (1) All uses permitted outright in the Natural Estuary Zone, LC 10.230-10.
- (2) Maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance must not increase the size, extent, or scope of the riprap, or otherwise alter the estuary.
- (3) Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing structure, or otherwise alter the estuary. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91; 10-04, 6.4.04; 16-11, 2.9.17)*

#### 10.235-15 Special Uses Approved by the Planning Director.

The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to Type II limited land use procedures set forth in LC Chapter 14 upon affirmative findings that the use is consistent with the

resource capabilities of the area, as defined in LC 10.235-25, and the purpose of the CE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.235-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) All uses permitted through a Special Use Permit in the Natural Estuary Zone in LC 10.230-15.

(2) Expansion of existing riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit approval. The existing riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 6-83, 4.15.83; 16-83, 9.14.83; 16-11, 2.9.17)*

#### **10.235-20 Conditional Uses.**

The Hearings Official, subject to the Type III procedures of LC Chapter 14, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in 10.235-25, and the purpose of the CE-FCP Zone, and upon satisfaction of all of the applicable criteria in LC 10.235-30 and -35. A Resource Capability Assessment is required as set forth in 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in 10.225-15.

(1) All Conditional Uses in the Natural Estuary Zone in LC 10-230-20.

(2) Water-dependent uses requiring occupation of water surface area by means other than dredge or fill (e.g., on pilings or floating), including mooring buoys which are permanently anchored to estuary floor, dolphins, docks and piers, and other such uses.

(3) High-intensity water-dependent recreation, including public beaches, boat ramps, marinas and new dredging for boat ramps and marinas.

(4) Minor navigational improvements.

(5) Aquaculture requiring dredge or fill or other alteration of the estuary.

(6) Active restoration for purposes other than those listed above.

(7) Installation of new riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit or Conditional Use Permit approval. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.235-25 Consistency with Resource Capabilities.**

A use or activity is consistent with the resource capabilities of the Conservation Estuary Zone when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or 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. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.235-30 Alterations to Estuary.**

Dredging and fill and other activities which could potentially alter the estuary are prohibited in this Zone except as expressly permitted through a Special Use Permit or Conditional Use Permit in LC 10.235-15 or -20. When allowed in LC 10-235.15 or -20, these uses or activities must meet all of the following criteria:

(1) No feasible alternative upland locations exist;

(2) The activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in LC 10.235-10, -15, and -20;

**PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-FCP)**

**10.245-05 Purpose and Application.**

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

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

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

**10.245-10 Permitted Uses.**

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

- (1) Harvesting of wild crops.
- (2) Low-intensity recreation.
- (3) Shore-secured floating moorages, mooring buoys, and other moorage facilities not physically anchored in adjacent lakes. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83; 16-11, 2.9.17)*

**10.245-15 Special Uses Approved by the Planning Director.**

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

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

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

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

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

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

- (a) Maintain the natural quality of surface and subsurface waters.
- (b) Maintain bank stability.
- (c) Avoid sedimentation of coastal waters including the lakes.
- (d) Maintain a buffer at least comparable to that required in LC 10.245-30 and -35 below, or greater if necessary to provide flood control and preserve important wildlife habitat.
- (e) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

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

(g) All requirements set forth in LC 10.245-30 and -35, below. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-11, 2.9.17)*

#### **10.245-20 Conditional Uses.**

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

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

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

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

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

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



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

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

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

**10.250-10 Permitted Uses.**

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

- (1) Harvesting of wild crops.
- (2) Low intensity recreation.
- (3) In or adjacent to lakes: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. This use as it pertains to the estuary is regulated by the applicable Estuary Zone.
- (4) In or adjacent to lakes: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Lane Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources, as provided in the Conditional Use requirements in LC 10.250-20. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, refer to the applicable Estuary Zoning requirements.
- (5) In or adjacent to lakes: mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83; 16-11, 2.9.17)*

**10.250-15 Special Uses Approved by the Planning Director.**

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

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

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

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

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

(c) All applicable height restrictions are observed.

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

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

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

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

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

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

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

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

**10.250-20 Conditional Uses.**

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

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

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

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

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

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

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

#### **10.250-25 Prohibited Uses.**

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

#### **10.250-30 Site and Development Requirements.**

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

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

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

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

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

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

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

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

(a) Foot paths

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

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

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

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

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

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

#### **10.250-35 Additional Setback Requirements.**

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

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

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

### **RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD)**

#### **10.255-05 Purpose.**

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

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

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

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

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

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

#### **10.255-10 Permitted Uses.**

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

(1) Harvesting of wild crops.

(2) Low intensity recreational activities.  
(3) Uses and buildings permitted outright in the base zone.  
(4) In or adjacent to lake: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

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

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

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

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

#### **10.255-15 Special Uses Approved by the Planning Director.**

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

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

#### **10.255-20 Conditional Uses.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **10.255-25 Site and Development Requirements.**

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

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

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

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

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

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

(a) Foot paths

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

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

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

#### **10.255-30 Additional Setback Requirements.**

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

adopted, revised Siuslaw River Dredged Material Disposal Plan. However, sites that have reached their filling capacity which can be reconfigured to accept more material must to be retained. A determination that fill capacity has been reached must be based upon the recommendation of the Army Corps of Engineers and other interested agencies and persons.

(2) The re-classification of any applicable dredge material disposal site protection combining zone requires positive findings that one or both of the conditions in Criteria #1 are met, following public hearing.

(3) Stabilization of Dredged Materials: The Port of Siuslaw, the Corps of Engineers or other lead agency have the responsibility to stabilize any dredged materials deposited on a site. Stabilization must be done with appropriate vegetation after the materials are appropriately drained. These requirements for stabilization are not applicable to in- water or beach nourishment sites designed to be erosive/dispersive.

(4) Sites designated for “stockpile” use, where the spoils will be hauled away and the site used again for spoils, must be retained and zoned as a disposal site until such time as an appropriate alternative for disposal is zoned and the “stockpile” site is deleted in the adopted, revised Siuslaw River Dredged Material Disposal Plan for the estuary.

(5) Temporary use of dredged material disposal sites is permitted, providing no permanent facilities or structures are constructed or no man-made alterations take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in the Florence Comprehensive Plan and Lane Code.

(6) Dredge spoil disposal must provide adequate run-off protection and, wherever possible, maintenance of a riparian strip along the water. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.260-25 Conditional Uses.**

In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone and in the Coastal Combining Zone, the Hearings Official, subject to Type III procedures of LC Chapter 14, may grant a Conditional Use Permit for temporary uses permitted outright or conditionally in the base zone when found to be consistent with the requirements of the Coastal Combining Zone and adjacent Estuary Zone and the criteria below.

(1) No use is permitted that would interfere with the timely availability of sites for deposition of dredged materials.

(2) Stock pile sites must remain open and available for removal as well as deposition of dredged material.

(3) Recommendations of the Port of Siuslaw must be weighed heavily in consideration of proposed use. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.260-30 Notification of Port of Siuslaw.**

Applications for permits or actions on designated sites for dredged material disposal or mitigation/restoration require notification in writing to the Port of Siuslaw within ten (10) days of receipt of application. Application for permits or actions including, but not necessarily limited to, the following require notification:

- (1) Conditional use permit.
- (2) Special use.
- (3) Building permit.
- (4) Rezoning. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*



**10.271-20 Warning and Disclaimer of Liability.**

The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder. *(Revised by Ordinance No. 3-91, Effective 5.17.91)*

**10.271-25 Development Subject to Director Approval.**

Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, recreational vehicles as provided for by this section, and "development" as defined in LC 10.271-27. Application for approval shall be filed with the Department according to Type I procedures of LC Chapter 14. *(Revised by -Ordinance No. 3-91, Effective 5.17.91; 1-07, 3.23.07))*

**10.271-27 Definitions.**

Except as otherwise provided in LC 10.271-27, the definitions below shall be used for LC 10.271.

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

**Base Flood.** A flood that has a one percent chance of being equaled or exceeded in any given year.

**Basement.** Any area of a building having its floor subgrade (below ground level) on all sides.

**Development.** For the purposes of LC 10.271-27, development is defined in LC 10.020, and shall include dredging, paving, and drilling operations and the storage of equipment and materials.

**Existing Manufactured Home Park or Subdivision.** Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

**Expansion to an Existing Manufactured Home Park or Subdivision.** Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

**Flood Elevation Determination.** A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.

**Flood Hazard Boundary Map, (FHBM).** An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administrations that includes flood profiles and the water surface elevation of the base flood.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation more than one foot.

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For the purposes of LC 10.271, the start of construction shall include the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. *(Revised by Ordinance No. 1-07, Effective 3.23.07)*

**10.271-30 Designation of Administrator.**

The Director shall:

(1) Review all development applications to determine that the permit requirements of this section have been satisfied.

(2) Review all development applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development applications to determine if the proposed development is located in the floodway; and if in the floodway, assure that the encroachment provisions of this section are satisfied.

(4) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon, unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer this section.

(5) Where base flood elevation data is provided through the Flood Insurance Study or required by this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(6) For all new or substantially improved flood-proofed structures:

(a) Verify and record the actual elevation (mean sea level) to which the structure was flood-proofed; and

(b) Maintain the flood-proofing certifications required for nonresidential development in zones A1-30, AH and AE.

(7) Maintain for public inspection all records pertaining to the provisions of this section.

(8) Notify adjacent communities and the Department of Land Conservation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(9) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

(10) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the hearings official as provided in LC 14.080 notwithstanding LC 14.080(1)(a). *(Revised by Ordinance No. 1-07, Effective 3.23.07)*

**10.271-35 Provisions for Flood Hazard Reduction.**

In all areas of flood hazard, the following standards are required:

(1) Provisions applicable to unnumbered A, A1-30, AH and AE zones:

(a) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating with the components during conditions of flooding.

**10.305-30 Repairs and Maintenance.**

(1) On any nonconforming structure or structure devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, to an extent not exceeding an accumulative total of 50 percent of the assessed true cash value of the building at the time said structure became nonconforming, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

(2) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.305-35 Uses Under Conditional Use or Temporary Permit Provisions Not Nonconforming Uses.**

Any use for which a Conditional Use or Temporary Permit has been granted as provided in this chapter and remains valid shall not be deemed a nonconforming use. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.305-40 Public Land.**

Unzoned public land notwithstanding subsequent zoning may be used for the purposes intended when the land was acquired, notwithstanding the use provisions of the district in which the land is situated. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO REQUIREMENTS**

**10.315-05 Purpose.**

As the Comprehensive Plan for Lane County is implemented, changes in District and other requirements of this chapter will be required. Such amendments shall be made in accordance with the procedures of this section. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 5-81, 4.8.81)*

**10.315-20 Criteria.**

Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the Zone District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-80, 9.1.80; 5-81, 4.8.81)*

**10.315-35 Initiation/Application.**

(1) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board of Commissioners as provided in LC 10.315-35(2) below.

(2) By Board of Commissioners. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board

of Commissioners in the form of a request to the Planning Commissions that they consider the proposed zoning, rezoning or amendment.

(3) By Applicant. Application for the zoning or rezoning of properties may be made by any person pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-80, 9.1.80; 5-81, 4.8.81; 16-83, 9.14.83)*

**10.315-40 Moratorium on Permits and Applications-Legislative Matters.**

(1) After any matter for zoning, rezoning or amendment to this chapter affecting particular property has received tentative action by the Board, but has not yet become final and effective, no Zoning, Land Division or Building Code Application or request shall be accepted, granted, issued or approved, except as herein provided.

(2) After such final action, granting of pending or subsequent Applications or requests shall be in accordance with the requirements of the Zoning District classification or requirements as amended by the final action.

(3) The provisions of this subsection (LC 10.315-40) shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing Zoning District requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map, or subdivision plat. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 5-81, 4.8.81; 18-81, 1.4.82)*

**10.315-55 Planning Commission Public Hearing and Notice--Legislative Matters.**

(1) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.

(2) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.

(3) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 10.315-20 above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board of Commissioners accordingly that the proposal be adopted or rejected. *(Revised by Ordinance No. 6-80, Effective 9.1.80)*

**10.315-57 Review Procedures.**

Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 6-80, Effective 9.1.80; 5-81, 4.8.81; 18-81, 1.4.82; 16-83, 9.14.83)*

**10.315-60 Action by the Board of Commissioners.**

(1) Upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 10.315-55 above, the Board of Commissioners shall schedule a public hearing as provided in LC 10.315-60(2) below. The Board may schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.

(2) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board of Commissioners may first refer the proposed alteration or modification to the Planning Commission or

Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

(3) In reversing a recommendation of the Planning Commission or Order of the Hearings Official, the Board of Commissioners shall indicate by Order the basis for its decision. (*Revised by Ordinance No. 6-80, Effective 9.1.80; 5-81, 4.8.81; 18-81, 1.4.82*)

**10.315-65 Order of Intent to Rezone (also includes Rezoning of Specific Properties.**

(1) If, from the facts presented as required by this Code, it is determined by the Hearing Body that granting a Zoning or Rezoning Application would comply with the general purpose of this chapter only if the property in question would be developed as proposed in a reasonable time rather than being in a state of speculative holding, the Hearing Body shall indicate its general approval in principle of the zoning or rezoning by the adoption of an "Order of Intent to Zone or Rezone" said property. This Order shall include any conditions, stipulations or limitations which the Hearing Body determines are necessary to require in the public interest as prerequisite to final action, including those provisions necessary to prevent speculative holding of the property after zoning or rezoning; and such conditions, stipulations or limitations shall be incorporated as part of the site plan as provided below.

(2) A site plan shall be required as provided in this chapter for Site Review Permits and shall be binding upon the property. Upon approval of the Order of Intent by the Hearings Official or Board, the property under these provisions shall be plainly marked as "SR" on map attached as an exhibit to the Order and on the Zoning Map. Any approved site plan may be amended or it may be released from the restrictions of such site plan by application to and approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14. No other changes shall be made constituting a departure from the approved site plan except by amendment or release as herein provided.

(3) The fulfillment of all conditions, stipulations and limitations contained in the Order of Intent on the part of the applicant shall make the Order a binding commitment upon Lane County. Upon completion of compliance action required by the Order of Intent, the applicant shall make application, pursuant to Type II procedures of LC Chapter 14, for effectuation of the zoning. Determination that the conditions of the Order of Intent have been met shall be pursuant to a routine administrative action by the Director. If the applicant has completed the necessary compliance action required by the Order of Intent, the Director shall approve the application and effectuate the zoning by Administrative Order.

(4) One extension of the two-year time period to complete the compliance action required by the Order of Intent may be applied for by the applicant through submitting an application for an extension of the Order of Intent. The application shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14, and may be approved if it complies with the following criteria.

(a) The application was submitted to and accepted by the Department prior to the expiration of the two-year time period.

(b) The applicant has made a good faith, reasonable effort and progress in completing the necessary compliance action.

(c) The reason for delay in completing the necessary compliance conditions could not have been reasonably avoided.

(d) The uncompleted compliance action can be completed within a time period not to exceed two years beyond the original time set forth for completing the

compliance action. (*Revised by Ordinance No. 6-80, Effective 9.1.80; 5-81, 4.8.81; 18-81, 1.4.82; 16-83, 9.14.83*)

**10.315-90 Official Zone District Ordinance and Zoning Maps.**

(1) The establishment and change of boundaries of Districts shall be made by Ordinance or by Order. Attached and referenced to the Ordinance or Order shall be a map of the lands affected by the Ordinance or Order.

(2) Final zoning designations shall be marked on durable and accurate maps capable of being reproduced. One set of prints shall be made from the masters adopted by reference in the Ordinance and filed for record with the Ordinance. Subsequent zone changes or Zoning District boundary changes shall be made by Ordinance or Order and attached map, adopted by reference, and filed for record with the Ordinance or Order.

(3) A set of up-to-date Zoning Maps shall be maintained for the convenience of the County and the public. The Zoning Maps shall indicate the location and geographical boundaries of the various Districts and shall set forth the District classifications applicable to the land indicated on the Zoning Maps. The Zoning Maps shall be maintained on file in the Planning Division and shall be available at reasonable times for inspection by the public. All amendments to the original District boundaries shall be reflected on the Zoning Maps. On the face of new or revised maps shall be the appropriate reference numbers (e.g., Ordinance, Order or Journal Number) of the Ordinance or Ordinances or Order or Orders zoning the lands covered by the map.

(4) Where a Zone District boundary is to be determined by a map enacted under this section, rather than by a legal description, and where uncertainty exists regarding the specific zone boundary, the following rules shall apply.

(a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(d) Boundaries indicated as following railroad lines and public utility easements shall be construed to be midway between the main tracks or utility easements, whichever is applicable.

(e) Boundaries indicated as following shorelines shall be construed to follow the high-water line. In the event of a change of high-water line, the boundary will follow the line no matter how it shifts. Boundaries indicated as following the centerlines of streams, rivers, canals or other bodies of water shall be construed to follow said centerline, and no matter how the centerline should shift, the boundary would remain the centerline as shifted.

(f) Boundaries indicated as parallel to or extensions of features indicated in LC 10.315-90(4)(a) through (e) above shall be so construed. Distances not specifically indicated within this chapter adopting a specific zone boundary shall be determined by the scale of the map attached as an exhibit to the Ordinance.

(g) Where physical features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by LC 10.315-90(4)(a) through (f) above, the Planning Commission shall interpret the zone boundaries.

(h) Where a zone boundary divides an ownership of property, unless the same is indicated by dimensions within the Ordinance or Order adopting the zone boundary, the boundary shall be determined by the use of the scale appearing on the map

- (4) Street and road dedications and improvements (or bonds).
- (5) Control of points of vehicular ingress and egress.
- (6) Special provisions on signs.
- (7) Landscaping and maintenance thereof.
- (8) Maintenance of the grounds.
- (9) Control of noise, vibration, odors or other similar nuisances.
- (10) Limitation of time for certain activities.
- (11) A time period within which the proposed use shall be developed.
- (12) A limit on total duration of use. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.320-35 Application.**

Application for a Conditional Use Permit may be made by any person pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 5-81, 4.8.81; 16-83, 9.14.83)*

**10.320-55 Review Procedure.**

Applications for Conditional Use Permits shall be heard by the Hearings Official pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 16-83, Effective 9.14.83)*



anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass, and to control pollution sources to the river.

(i) Harvesting of timber in a manner that wildlife habitat, riparian and other significant vegetation and the natural scenic qualities of the Greenway will be preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

(j) Minimize vandalism and trespass.

(k) Location of non-water dependent and non-water related development away from the river.

(l) Protection from erosion.

(m) Compatibility with the site and surrounding area.

(n) Protection of significant fish, wildlife habitat and natural areas.

(o) Protection and conservation of lands designated aggregate resources within the adopted Willamette Greenway Plan.

(3) Setback Requirement; Exceptions. New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, except for those in conjunction with a water related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings are made to satisfy the following criteria.

(a) The proposal would provide better protection, maintenance, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River Greenway than would occur by observance of the setback requirement; or

(b) The protection, maintenance, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River Greenway are not applicable to the proposal. *(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82)*

### **10.322-20 Conditions.**

Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this subchapter. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

(1) Special yards and spaces.

(2) Fences and walls.

(3) Special off-street parking and loading requirements.

(4) Street and road dedications and improvements (or bonds).

(5) Control of points of vehicular ingress and egress.

(6) Special provisions on signs.

(7) Landscaping and maintenance thereof.

(8) Maintenance of grounds.

(9) Control of noise vibration, odors or other similar nuisances.

(10) A time period within which the proposed use shall be developed.

(11) A limit on total duration of use.

(12) Control of scale, bulk and coverage of proposal. *(Revised by Ordinance No. 1-80, Effective 3.30.80)*

### **10.322-25 Application and Review Procedure.**

Application for a Greenway Development Permit shall be made, and reviewed by the Hearings Official, pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82; 16-83, 9.14.83)*

of an area, provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use and new structure, if applicable:

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

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(c) Open land uses which do not involve structures with a combined value in excess of \$1000, provided it is determined by the Hearings Official that 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, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(2) In applying the criteria for allowable Temporary Uses provided in LC 10.325-15(1) (b) and (c) above, 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.

(3) No structural alternations may be made to a Nonconforming structure to be utilized by a Temporary Use which would materially prolong the economic life of the structure.

(4) Where new structures and use thereof and new open land uses are permitted, the premises shall be required to be restored to the prior state within three months of the termination of the permit. A performance bond shall be required, if determined necessary by the Hearings Official, at the time of approval in sufficient amount to cover the estimate cost of such restoration.

(5) Temporary Permits for any one Permit shall be approved for a maximum of five years. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77)*

### **10.325-30 Conditions.**

Reasonable conditions may be imposed in connection with the Temporary Permit as necessary to meet the purposes of this section.

Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (1) Special yards and spaces.
- (2) Fences and walls.
- (3) Control of points of vehicular ingress and egress.
- (4) Special provisions on signs.
- (5) Landscaping and maintenance thereof.
- (6) Maintenance of the grounds.
- (7) Control of noise, vibration, odors, or other similar nuisances.
- (8) Limitation of time for certain activities
- (9) A time period within which the proposed use shall be developed.
- (10) A limit on total duration of use. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 5-81, 4.8.81)*

### **10.325-35 Application.**

Application for a Temporary Permit shall be made pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 16-83, 9.14.83)*

**10.325-55 Review Procedure.**

Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 16-83, 9.14.83)*

**VARIANCES**

**10.330-05 Purpose.**

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity or from population densities, street location, or traffic conditions in the immediate vicinity.

The power to grant variances does not extend to use regulations. In other words, no variance can be granted which would have the effect of rezoning and granting a special privilege not shared by other property in the same district. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.330-20 Criteria.**

(1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted, the following expressly written findings are made:

(a) That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of this chapter; or

(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zoning district; or

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties classified in the same zoning district; and

(d) That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

Variances in accordance with this subsection should not ordinarily be granted if the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owner.

(2) Variances to requirements of this chapter with respect to off-street parking and loading facilities may be authorized as applied for or as modified, if, on the basis of the application, investigation, and the evidence submitted, the following express written findings, in addition to those prescribed in LC 10.330-20(1) above, are made:

(a) That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this chapter.

(b) That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets.

(c) That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the general purpose of this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.330-25 Effect on Substantially Identical Variances and Modification to Other County Ordinances.**

(1) A Variance granted by authority of this section eliminates the necessity of obtaining approval of a substantially identical or less extensive Variance or modification to LC Chapters 11, 13 and 15 (Buildings, Land Divisions and Roads), respectively, and constitutes a Variance or modification of those Chapters as applicable.

(2) A Variance shall not be required to the area, width, depth, frontage, or setback requirements of this chapter for any subdivision area developed as a unit and receiving final approval in accordance with the provisions of LC Chapter 13 (Land Divisions) when the requirements to be varied are specifically incorporated within the finally approved subdivision plat.

(3) A Variance shall not be required to the setback requirements of this chapter where a substantially identical or more extensive Variance has been approved in accordance with LC Chapter 15 (Roads) requirements. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75; 10-76, 1.1.77)*

**10.330-30 Conditions.**

Reasonable conditions may be imposed in connection with a Variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.330-35 Application.**

Application for a Variance shall be made pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 16-83, 9.14.83)*

**10.330-50 Review Procedure.**

Applications for Variances shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 6-82, 4.16.82; 16-83, 9.14.83)*

**SITE REVIEW PROCEDURES**

**10.335-05 Purpose.**

It is the purpose of this section to establish a Site Review Permit Procedure for specified uses or applications requiring comprehensive review of proposed site development in order to maintain or improve the character and attractiveness of the general area, to encourage the most appropriate development of the site compatible with the neighborhood, to prevent undue traffic and pedestrian hazards or congestion, to reduce adverse impacts upon public facilities and services, and to provide a healthful, stable, efficient and pleasant on-site environment. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73)*

**10.335-20 Criteria for Site Review Evaluation.**

The following minimum criteria should be considered in evaluating Site Review Applications.

(1) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposal intent and are compatible with the surrounding vicinity.

(2) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(3) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(4) That suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(5) That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(6) That, based on anticipated traffic generation, adequate additional right-of-way, road improvements, and on-site vehicular, bicycle and pedestrian improvements connecting directly to off-site roads, paths and sidewalks must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads", and also to the necessity for such additional improvements as lighting, sidewalks, bicycle lane and path connections, and turn and deceleration/acceleration lanes. Improvements shall be consistent with access management, spacing standards, and other requirements of LC Chapter 15.

(7) That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular, bicycle, and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(8) That there are adequate off-street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities and their surfacing, lighting and landscaping.

(9) That all signs and illumination are in scale and harmonious with the site and area.

(10) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements etc., that are required by Site Review Permit. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 6-75, 3.26.75; 5-81, 4.8.81; 5-82, 4.16.82; 10-04, 6.4.04)*

**10.335-30 Conditions.**

Reasonable conditions may be established in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this section. Guarantees, evidence, dedications or bonding may be required to ensure that such conditions will be met. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-82, 4.16.82)*

**10.335-35 Application.**

Application for a Site Review shall be made pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-82, 4.16.82; 16-83, 9.14.83)*

**10.335-50 Review Procedure.**

Applications for Site Reviews shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 16-83, 9.14.83)*

**HOME OCCUPATIONS**

**10.340-05 Purpose.**

Home Occupations are intended to allow individuals the opportunity to conduct those types of small-scale business activities within their homes which are conducive to and not incompatible with the normal functions of the home and at the same time are not detrimental to or in conflict with the nature and character of a residential neighborhood.

It is the intent of this chapter that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in such districts and not at home. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.340-15 Allowable Home Occupations.**

The following home occupations are listed as examples of those that might meet the criteria provided in LC 10.340-20:

(1) Headquarters for babysitting bureau, craftsman, and salesman, excluding real estates, provided that the operation of the activity is conducted primarily by telephone or mail.

(2) Custom sewing services including hemstitching, dressmaking, pleating, quilting, seamstress, stitching, and tucking, provided that all of these activities use material owned by individual customers.

(3) Minor repair services including watches, jewelry, electric razors, radios, TVs and clocks.

(4) Business locations for large household appliance repair services (e.g., washing machines, refrigerators) provided there is no repair activity on the property.

(5) Studios for instruction in arts, handicrafts, music, and tutoring. Instruction in music is to be limited to two students at a time. Tutoring and instruction in arts and handicrafts are to be limited to five students.

(6) Rug, upholstery, and furniture cleaning provided all articles are cleaned upon the customer's premises.

(7) Beauty salons, provided that the activity is limited to three customers at a time.

(8) Small pet grooming, provided that the activity is limited to no more than two pets at any one time and operated only between 8 a.m. and 6 p.m. No pets may be kept overnight.

(9) Other personal services similar to the above. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.340-20 Limitations.**

Home Occupations may not be established, conducted or continued if to do so will cause:

- (1) Generation of excessive traffic.
- (2) Monopoly of on-street parking spaces.
- (3) Frequent deliveries and pick-ups by motor freight trucks.
- (4) Noise, smoke, fumes, odors, or traffic in excess of that created by normal residential use. (Either in terms of volume or hours of occurrence.)

10.350-35

Lane Code

10.360-10

**10.350-35 Application.**

Application for a Special Exception shall be made pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 7-80, 8.15.80; 16-83, 9.14.83)*

**10.350-50 Review Procedure.**

Applications for Special Exceptions shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 7-80, 8.15.80; 5-81, 4.8.81; 16-83, 9.14.83)*

**10.350-65 Elimination of Need for a Special Permit.**

A special permit as provided for in LC 10.100-10(5), shall not be required for one single-family dwelling or one mobile home to be located on a parcel of land for which a Special Exception has been approved and on which no other dwelling or mobile home is located. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 7-80, 8.15.80)*

**COMMERCIAL FARM PARCELS (CFP)**

**10.360-05 Purpose.**

This section establishes minimum area requirements for parcels defined as Commercial Farm Parcels (CFP). The area requirements are intended to provide protection of agricultural lands as a part of EFU, A-1, A-2 and FF Districts, and are interim means of addressing Statewide Goal #3, Agricultural Lands, requirement that minimum lot sizes be appropriate for the continuation of existing commercial agricultural enterprise within the area.

Minimum area requirements are listed below according to Townships and Ranges where agricultural parcels have been found. *(Revised by Ordinance No. 16-80; Effective 9.27.80; 1-82 As Amended, 4.16.82)*

**10.360-10 Minimum Area Requirements for Commercial Farm Parcels.**

| <u>Township-Range*</u>           | <u>Minimum Area (Acres)</u> |
|----------------------------------|-----------------------------|
| Township 15 South, Range 09 West | 155                         |
| 15 07                            | 33                          |
| 15 06                            | 127                         |
| 15 05                            | 104                         |
| 15 04                            | 53                          |
| 15 01                            | 230                         |
| Township 16 South, Range 11 West | 140                         |
| 16 10                            | 230                         |
| 16 09                            | 113                         |
| 16 08                            | 81                          |
| 16 07                            | 98                          |
| 16 06                            | 175                         |
| 16 05                            | 100                         |
| 16 04                            | 48                          |
| 16 03                            | 69                          |
| 16 02                            | 189                         |
| 16 01                            | 214                         |
| Township 16 South, Range 02 East | 44                          |

| <u>Township-Range*</u>           | <u>Minimum Area (Acres)</u> |
|----------------------------------|-----------------------------|
| 20 05                            | 230                         |
| 20 04                            | 230                         |
| 20 03                            | 204                         |
| 20 02                            | 58                          |
| 20 01                            | 120                         |
| Township 20 South, Range 01 East | 80                          |
| 20 02                            | 45                          |
| 20 03                            | 166                         |
| Township 21 South, Range 04 West | 230                         |
| 21 03                            | 223                         |
| 21 02                            | 64                          |
| 21 01                            | 67                          |
| Township 21 South, Range 02 East | 40                          |
| 21 03                            | 76                          |
| Township 22 South, Range 03 West | 69                          |
| 22 01                            | 120                         |
| Township 23 South, Range 03 West | 34                          |

\*Townships and Ranges are based on Willamette Meridian  
(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82 As Amended, 4.16.82)

### **ACCESSORY DWELLINGS SPECIAL USE PERMIT**

#### **10.370-05 Purpose.**

The purpose of this Special Use Permit is to allow Planning Director approval of Accessory Dwellings for persons employed on the premises in FF-20, GR-10, AGT and AV Zoning Districts.

(1) Accessory Dwellings in FF-20, GR-10, AGT and AV Zoning Districts shall be approved unless there is a specific finding the use or activity will result in one of the following.

- (a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning District(s).
- (b) The use is not consistent with the purpose of the applicable District.
- (c) The use will interfere with accepted farming or forestry practices on lands in the surrounding area that are devoted to such use.

(2) The procedure for issuance of the Permit shall be in accordance with Type II procedures of LC Chapter 14. (Revised by Ordinance No. 5-81, Effective 4.8.81; 1-82 As Amended, 4.16.82; 16-83, 9.14.83)

### **CLUSTER SUBDIVISIONS**

#### **10.375-05 Purpose.**

Cluster subdivisions are explicitly permitted and encouraged by various zones as an alternative to standard subdivision development. They are intended to promote a more efficient use of land, retain more land in its natural state, reduce the overall land use impact of the subdivision process and reduce the amount of roads, services and facilities needed to serve a development. (Revised by Ordinance No. 16-83, Effective 9.14.83)



**10.400-15 Application, Information and Processing Requirements.**

A new or replacement telecommunication facility may be allowed provided: an application is submitted for Director approval pursuant to Type III procedures of LC Chapter 14, the application complies with the requirements specified in LC 10.400-15 through -50 below, and provided the application is approved pursuant to Type III procedures of LC Chapter 14 for a hearing with the Director. Notice of the hearing shall be provided pursuant to the requirements of LC Chapter 14 and to the owners of property within one half-mile radius of the exterior boundaries of the subject property and any property contiguous to and in the same ownership as the subject property. Maintenance and repair of lawfully (per LC Chapter 10) existing uses and development is considered a permitted use.

(1) Prior to submission of an application, the applicant shall provide notice and hold a meeting with area property owners as required in LC 10.400-15(1)(a)-(c) below. The applicant shall submit evidence of the notification and meeting with the application. The application shall include evidence of compliance with this requirement.

(a) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting to property owners and tenants living on property that would otherwise be notified pursuant to the requirements of LC 14.060 for a Type III hearing and to the applicable community organization recognized by the Lane County Board of Commissioners in Lane Manual 3.513 within the area in which the proposed site is located. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(b) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain at least the same information as required by LC 10.400-15(1)(a) above for the mailed notice.

(c) The applicant shall conduct a meeting within the general area of the proposed location of the telecommunication facility with the area property owners, tenants living on surrounding properties and interested parties to discuss the proposed application to allow community concerns regarding the proposed tower to be addressed. Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(2) An application shall include the following information:

(a) A description of the proposed tower location, design and height. When the proposed tower location is within 14,000 feet of an airport, the applicant shall show the tower height in relation to the imaginary surfaces for that airport and demonstrate that the tower does not penetrate those surfaces;

(b) The engineered design capacity of the tower in terms of the number and type of antennae it is designed to accommodate and constructed in such a manner as to optimize performance and minimize visual impact;

(c) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with land use and building permit application;

(d) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 10.400-50(4) below;

(e) Documentation in the form of lease agreements for the telecommunications facility that provide space for a minimum of three users (the primary user and two collocation sites);

(f) Documentation of lease agreements with a Federal Communications Commission (FCC) licensed provider;

(g) Documentation demonstrating that the Federal Aviation Administration (FAA) has reviewed and commented on the proposal, and the Oregon Department of Aviation has reviewed and provided comment on the proposal;

(h) Plans showing how vehicle access will be provided and documents demonstrating that necessary easements have been obtained; and

(i) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(3) The applicant shall identify all existing towers, or properties that have obtained approval for a tower within ten (10) miles of the proposed tower location. The applicant shall provide evidence that collocation at all existing or approved towers within ten miles is not feasible, and provide documentation for locating a new tower, based on either of the following:

(a) Lack of useable and compatible collocation space;

(b) Inability to meet service coverage area and capacity needs; or

(c) Technical reasons such as channel proximity and inter-modulation.

(4) The tower shall comply with all required State of Oregon and Federal licenses for telecommunication tower facilities. The application shall include a certification that the completed installation will comply with all Federal, state and local standards. The applicant shall submit documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(5) Factual information addressing compliance with requirements in LC 10.400-20 and -30 below. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 11-02, 10.16.02)*

#### **10.400-20 Collocation Requirements for Telecommunication Facilities.**

Collocation of a telecommunications facility on an existing structure or building is not subject to the land use application and approval provisions of LC 10.400-15 above. However, collocation of a new or replacement telecommunication facility may be allowed provided a prior land use application is submitted and approved pursuant to Type II procedures of LC Chapter 14. The application for collocation may be allowed provided the requirements in LC 10.400-20(1) and (2) below are met.

(1) An application for collocation of a new or replacement telecommunications facility shall provide the information required in LC10.400-15(2)(a)-(i) and -15(4) above.

(2) Factual information addressing compliance with requirements in LC 10.400-30 and -40 below. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

#### **10.400-30 Siting Standards for Height, Setbacks and Access to Telecommunication Facilities.**

The following standards shall apply to all new or replacement telecommunication facilities.

(1) Consideration shall be given to other sites in the service area that would have less visual impact than the site proposed as viewed from nearby residences and that the applicant has demonstrated that less intrusive sites are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.

purpose of obtaining guidance and information that might be needed for the filing of a Preliminary Planned Unit Development Application. At this conference the Land Development Review Committee shall make a determination as to whether the site, in its opinion, qualified in size, character and general location for the contemplated Planned Unit Development. In order to help ensure that this meeting is as productive as possible for both the applicant and the Review Committee, the following minimum information shall be submitted by the applicant at least 10 days prior to the date of such meeting.

- (1) Six copies of a written statement setting forth:
  - (a) Name(s) and address(es) of the applicant(s).
  - (b) Name(s) and address(es) and professional qualifications of the proposed professional Design Team members, including the designation of professional coordinator, if known.
  - (c) General type and approximate number of residential and nonresidential uses and structures.
  - (d) The number of stages, if any, in which the project will be built and the approximate time anticipated for the completion of the entire project.
  - (e) A tabulation of the approximate land area to be devoted to various uses and a calculation of the average residential density per net acre.
  - (f) Drainage, water and sewerage systems of facilities available or proposed.
- (2) Six copies and one reproducible transparency of a Schematic Development Plan of the proposed development, showing:
  - (a) General location of the proposed development.
  - (b) Major existing physical and natural features such as water courses, rock outcropping, marshes, wooded areas, etc.
  - (c) Location of the major existing utilities and drainage-ways.
  - (d) Location and names of public streets, parks and railroad and utility rights-of-way within or adjacent to the proposed development.
  - (e) General location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking and loading areas.
  - (f) General location and approximate dimensions of proposed structures.
  - (g) Major proposed landscaping features.
  - (h) Approximate contours.
  - (i) Sketch(es) showing the scale, character and relationship of buildings, streets and open space (optional).
  - (j) Approximate location and type of proposed drainage, water and sewerage facilities. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

## **PRELIMINARY PLANNED UNIT DEVELOPMENT REQUIREMENTS AND ACTION**

### **10.700-505 Application.**

Applications for Preliminary approval shall be made by the owner(s) of all property included in the Planned Unit Development, or his or her authorized agent, and pursuant to Type II procedures of LC Chapter 14. The Application shall also indicate all owners of record, contract purchasers holders of options and proposed developers. Preliminary Planned Unit Development Applications shall be accompanied by the filing fee as required by this chapter to defray the cost of processing the Application, and shall include the following:

- (1) An Application to establish a Planned Unit Development (PUD) Subdistrict classification for the Zoning District in which the proposed development will

lie. The said Application may include a request that the Parent Zone be changed or that a Parent Zone be established (in the case of existing unzoned land.)

(2) One copy of a written statement made up of the following information.

(a) An explanation of the character of the Planned Unit Development, the form of organization proposed to own and maintain the common areas and facilities and the type of ownership of individual units or spaces.

(b) Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements and maintenance of common and private areas or facilities.

(c) A development schedule indicating:

(i) The approximate date when construction of the project can be expected to begin.

(ii) The proposed stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.

(iii) The approximate dates when the development will be completed.

(iv) The area, uses and location of common open space that will be provided at each stage.

(d) A tabulation of land area to be devoted to various uses and a calculation of the average residential density per net acre.

(e) A boundary map and legal description.

(3) One copy and one reproducible transparency of a Preliminary Development Plan(s) of the entire development and shall include, at a minimum, the following:

(a) Existing contours and proposed contours after development at intervals of:

(i) One foot for ground slopes of less than five percent or spot elevations and drainage features.

(ii) Two feet for ground slopes between five and 10 percent.

(iii) Five feet for ground slopes in excess of 10 percent.

(b) Approximate location, arrangement and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking and loading areas.

(c) Approximate location and dimensions of building and structures and their use, open space and dedicated or reserved properties.

(d) Preliminary landscaping plan depicting existing and proposed tree plantings, ground cover, screen planting and fences, etc., and showing location of existing trees in excess of 12 inches in diameter measured four feet from ground level which are proposed to be removed by the development.

(e) Architectural sketches or drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, ways, parking spaces or garages and open spaces.

(f) Proposed drainage, water and sanitary systems and facilities, as required.

(g) Location, character and type of signs and lighting facilities.

(h) A preliminary subdivision plat, if the land or building is to be subdivided as defined by LC Chapter 13, "Land Divisions." *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 5-81, 4.8.81; 16-83, 9.14.83)*

#### **10.700-510 Preliminary Review Procedure.**

(1) Applications for approval of Preliminary Planned Unit Developments shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14.

(2) Preliminary Planned Unit Development approval may allow for completion of the Planned Unit Development in as many as three phases subject to the following time limitations:

(a) Phase I requirements for final approval shall be completed within two years of preliminary approval.

(b) Phase II requirements for final approval shall be completed within three years of preliminary approval.

(c) Phase III requirements for final approval shall be completed within four years of preliminary approval.

(3) An extension of the two-year preliminary approval time period to complete a Planned Unit Development may be routinely approved by the Director as follows:

(a) The applicant shall have submitted to the Department an application for an extension, on the form provided by the Department, prior to the preliminary approval expiration date.

(b) The application shall be accompanied by the processing fee.

(c) The application materials must factually demonstrate that the applicant has made a good faith and reasonable effort and progress to meet the conditions set forth in preliminary approval, and that the delay in meeting the conditions could not have been reasonably avoided, and that the uncompleted conditions can be met within a period of time not to exceed two years beyond the original time set forth in the preliminary Planned Unit Development approval.

(d) After review of an application for an extension, the Director shall mail to the applicant a written notice of the decision to approve or deny the extension. The Director's decision may be appealed by the applicant in the manner provided by LC 14.080 for appeals of decisions by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 5-81, 4.8.81; 16-83, 9.14.83)*

## **FINAL PLANNED UNIT DEVELOPMENT REQUIREMENTS AND ACTION**

### **10.700-605 Final Application.**

An application for final Planned Unit Development approval shall be filed with the Department within two years of the date of preliminary Planned Unit Development approval, shall be accompanied by the required filing fee, shall be completed on the form provided by the Department, and shall be accompanied by the following:

(1) Six copies and a reproducible transparency of the final plan(s). The said plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of development and shall include, at a minimum, the following:

(a) Detailed location of water, sewage and drainage facilities.

(b) Detailed plan showing location of all buildings and structures.

(c) Detailed exterior building plan and elevations.

(d) Detailed plans showing the character and locations of signs and lighting facilities.

(e) Detailed plans for street, roadway, pedestrian ways and parking improvements.

(f) Detailed grading or earth moving plans.

(g) Detailed landscaping plans.

(2) A final subdivision plat as may be required by LC Chapter 13, "Land Divisions."

(3) All documents relating to dedication, improvements, maintenance agreements, covenants, deed restrictions and bylaws of neighborhood associations, cooperatives and improvement of the District. The documents so submitted shall be

approved by an attorney and shall be further approved as to form by the County Counsel.  
(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 16-83, 9.14.83)

**10.700-610 Final Approval.**

Approval of final Planned Unit Development plans shall be a routine administrative action by the Director. The Director shall grant final approval if, by the Director's determination:

(1) The final Planned Unit Development plans and any supporting documents or plats are in substantial conformity with the approved preliminary Planned Unit Development plan;

(2) All conditions of preliminary approval imposed by the Approval Authority have been met.

Approval or denial by the Director shall be made by the Director within 30 days of acceptance of the final application, shall be in writing and mailed to the applicant, and may be appealed by the applicant pursuant to LC 14.080 for appeals to the Hearings Official. (Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 16-83, 9.14.83)

**10.700-635 Planned Unit Development Subdistrict.**

Final approval of a Final Planned Unit Development Application shall be in the manner of a Planned Unit Development Subdistrict amendment to the Official Zoning Map. Before final approval is given, the Planning Director shall certify that either:

(1) All improvements as required by this chapter have been completed and a certificate of such fact has been filed with and approved by the Planning Director, or

(2) A Performance Agreement has been filed with the Director on a form approved by the Board of County Commissioners and in sufficient amount to ensure the completion of all required improvements. (Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80)

**10.700-650 Retroactive Final Approval Authority in Certain Cases.**

Notwithstanding any other provision of LC 14.090, an application for final PUD approval may be accepted and reviewed pursuant to LC 10.700-510 and LC 10.700-605 even though preliminary PUD approval was granted prior to July 1, 1983, provided preliminary approval for the PUD has not expired. (Revised by Ordinance No. 16-83; Effective 9.14.83)

**FINAL PLANNED UNIT DEVELOPMENT CONDITIONS**

**10.700-705 Limitation of Approval.**

No excavating, grading, construction improvements or building permits shall be authorized or issued within the Adopted Planned Unit Development(PUD) Subdistrict Zone, pending compliance with the following:

(1) Full compliance with all provisions of the Ordinance including the execution and filing of all documents required therein.

(2) Compliance with the requirements of LC Chapter 10, "Zoning;" Chapter 11, "Buildings" and Chapter 13, "Land Divisions," and all other applicable laws and regulations.

(3) Full compliance with the Approved Final Planned Unit Development Application. The said Application shall control the issuance of all Building Permits and shall restrict the nature, location and design of all uses. (Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80)

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86; 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04; 2-09, 1.8.10; 6-10; 9.17.10)*

### **13.020 Legal Lot Verification.**

A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC Chapter 14 and occurs when:

(1) An application is submitted and reviewed pursuant to Type II procedures of LC Chapter 14, excluding 14.060(1) Notice of Application, for a legal lot verification on a lot or parcel resulting from a property line adjustment; or

(2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to Type II procedures of LC Chapter 14, excluding 14.060(1) Notice of Application. *(Revised by Ordinance No. 7-04; Effective 7.15.04; 7-12, 12.28.12)*

### **13.030 Validation of a Unit of Land.**

(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to Type II procedures of LC Chapter 14 if the unit of land:

(a) Is not a lawfully established unit of land; and

(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).

(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

(a) The dwelling or other building was lawfully established prior to January 1, 2007; and

(b) The permit does not change or intensify the use of the dwelling or other building.

(4) An application to validate a unit of land under LC 13.030 is an application for a permit, as defined in ORS 215.402. An application under LC 13.030 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.

(5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under LC 13.030 if the owner of the unit of land records a partition plat within 90 days of validation.

(6) An application to validate a unit of land under LC 13.030 may not be approved if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a). *(Revised by Ordinance No. 2-09; Effective 1.8.10)*

(a) The land in a cluster subdivision not platted as a building lot shall be secured and maintained as private open space and recreation area by covenant or association prepared by the applicant and approved by Director or County Counsel. Said approved covenant shall be recorded with and referenced on the cluster subdivision plat.

(b) The largest lot in a cluster subdivision, if platted as a mobile home or dwelling lot, shall be restricted from further development, unless future zoning and/or changes in the comprehensive plan increase the density allowed for the overall cluster subdivision. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat.

(c) The type and number of living units intended for each cluster subdivision lot shall be specified in the covenants, and each lot shall be restricted from an increase in the number of living units, unless the future zoning and/or changes in the comprehensive plan increase the density allowed for the overall subdivision and unless new cluster subdivision plans are submitted and approved. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 1-90, 2.7.90; 3-90, 3.14.90; 1-91, 6.14.91; 10-04, 6.4.04; 7-10, 11.26.10)*

### **13.100 Application Requirements for Preliminary Partition Plans.**

(1) An application for preliminary partition approval shall be filed with the Department pursuant to Type II procedures of LC Chapter 14.

(2) The application shall be accompanied by 5 copies of the preliminary partition plan one of which must be 8 1/2 inches x 11 inches.

(3) Preliminary partition plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the approving authority to have an adequate understanding of what is proposed. The following information is required on a preliminary partition plan:

(a) North point, scale and date of the preliminary plan.

(b) Appropriate identification clearly stating the drawing is a preliminary partition plan.

(c) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner, landscape architect or any other person responsible for designing the preliminary plan.

(d) The map number (township, range and section) and tax lot number of the tract being divided.

(e) The boundary lines of the tract to be divided and approximate acreage of the property.

(f) For partitions of land within an adopted urban growth boundary, contour lines sufficient to show the direction and general grade of land slope having the following intervals:

(i) One-foot contour intervals for ground slopes up to 5%.

(ii) Two-foot contour intervals for ground slopes between 5% and 10%.

(iii) Five-foot contour intervals for ground slopes exceeding 10%.

(g) The names of adjacent subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land. The records of the Department of Assessment and Taxation may be used for this purpose.

(h) The approximate location, widths and names of existing or platted streets or other public ways (including easements) within in or adjacent to the tract,



existing permanent buildings, and any addresses for the buildings, railroad rights-of-way and other important features such as, section lines, political subdivision boundary lines and school district boundaries.

(i) The location and width of nearby County Road, State Road, and Public Road intersections, and of private driveway and road approaches serving adjacent land sufficient to document compliance with Road and Driveway Approach Spacing Standards in LC 15.138.

(j) The approximate location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.

(k) Approximate location, acreage and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owned in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.

(l) Proposed plan, if any, for draining surface water from the development.

(m) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.

(n) Easements, together with their dimensions, purpose and restrictions on use.

(o) Proposed means and location of sewage disposal and water supply system.

(p) Proposed parcels, approximate dimensions, size and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes, shall be identified with letter designations.

(q) Sites, if any, for residences.

(r) Parks, playgrounds, recreation areas, parkways and open space for public use, clearly identified.

(s) Predominant natural features, such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.

(4) A draft of any existing or proposed restrictions or covenants affecting the property shall accompany the application. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

### **13.105 Application Requirements for Preliminary Subdivision Plans.**

(1) An application for preliminary subdivision approval shall be filed with the Department pursuant to Type II procedures of LC Chapter 14.

(2) The application shall be accompanied by 5 copies of the preliminary subdivision plan one of which shall be 8 1/2 inches x 11 inches.

(3) Preliminary subdivision plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the approving authority to have an adequate understanding of what is proposed. The following information is required on a preliminary subdivision plan:

(a) The proposed name of the subdivision.

(b) North arrow, scale and date of the preliminary plan.

(c) Appropriate identification clearly stating the drawing is a preliminary subdivision plan.

(d) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner or landscape architect responsible for designing the preliminary plan.

(e) The map number (township, range and section) and tax lot number of the tract being divided.

(f) The boundary lines of the tract to be divided and approximate acreage of the property.

(g) For subdivisions of land within an adopted urban growth boundary, or for cluster subdivision lots of five acres or less, contour lines sufficient to show the direction and general grade of land slope having the following intervals:

(i) One-foot contour intervals for ground slopes up to 5%.

(ii) Two-foot contour intervals for ground slopes between 5% and 10%.

(iii) Five-foot contour intervals for ground slopes exceeding 10%.

(h) The names of adjacent subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land. The records of the Department of Assessment and Taxation may be used for this purpose.

(i) The approximate location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings and any addresses for the buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.

(j) The location and width of nearby County Road, State Road, and Public Road intersections, and of private driveway and road approaches serving adjacent land sufficient to document compliance with Road and Driveway Approach Spacing Standards in LC 15.138.

(k) The approximate location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.

(l) Approximate location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.

(m) Proposed plan for draining surface water from the development.

(n) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.

(o) Easements, together with their dimensions, purpose and restrictions on use.

(p) Proposed means and location of sewage disposal and water supply systems.

(q) Proposed blocks, numbered in consecutive order.

(r) Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.

(s) Sites, if any, for residences.

(t) Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.

(u) Predominant natural features such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.

(v) For a cluster subdivision, the general location and type of proposed structures, and the area, uses and location of any common open space that will be provided at each stage.

(4) For a subdivision which is not a cluster subdivision, a draft of any proposed restrictions or covenants affecting the property shall accompany the application.

(5) An application for a cluster subdivision shall be accompanied by one copy of a written statement composed of the following information.

(a) A tabulation of land area to be devoted to various uses and a calculation of the average residential density per net acre.

(b) An explanation of the character of the cluster subdivision, the organization proposed to own and maintain any common areas and facilities and the type of ownership of individual units or spaces.

(c) Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements and maintenance of any common and private areas or facilities.

(d) Where the common area and/or open space in a cluster subdivision is not proposed to be graphically designated on a subdivision plat, the draft covenants and restrictions and conditions for a cluster subdivision shall include a Preliminary Development Plan of the entire property. The Development Plan shall include, at a minimum, the following information:

(i) Existing contours and proposed contours after development at intervals of.

(1) One foot for ground slopes of less than 5% or spot elevations and drainage features.

(2) Two feet for ground slopes between 5% and 10%.

(3) Five feet for ground slopes in excess of 10%.

(ii) Approximate location, arrangement and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking and loading areas.

(iii) Approximate location and dimensions of open space, common areas and dedicated properties.

(iv) Proposed drainage, water and sanitary systems and facilities, as required.

(v) Location, character and type of signs and lighting facilities.

*(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

### **13.110 Development Phasing.**

(1) A subdivision may be completed in as many as three phases. Phase I may be completed as a partition or subdivision, depending upon the number of subunits of land included in this phase. Phases II and III must be completed as subdivisions. The preliminary subdivision plan must show each phase and be accompanied by time limitations for each phase.

(2) If the preliminary plan provides for development in more than one phase, it must be accompanied by an explanation of why the phasing is necessary and how it can be completed within the proposed time limitations.

(3) Time limitations for the various phases must meet the following requirements:

(a) Phase I requirements for final approval shall be completed and filed with the County Recorder within two years of preliminary approval.

(b) Phase II requirements for final approval shall be completed and filed with the County Recorder within three years of preliminary approval.

(c) Phase III requirements for final approval shall be completed and filed with the County Recorder within four years of preliminary approval. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

**13.120 Criteria for Approval of Preliminary Plans.**

A decision on the preliminary plan shall be subject to Director approval pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

**13.130 Duration of Preliminary Plan Approval.**

(1) Approval of a preliminary partition, subdivision or replat plan shall be valid for two years from the date of approval of the preliminary plan, provided that if approval of a preliminary subdivision plan provides phase development, the approval shall be valid for the time specified for each phase, subject to the limitations of LC 13.110.

(2) Approval of any preliminary partition, subdivision or replat plan, not requiring phasing shall be valid for two years from the date of approval to date of completion of all requirements and filing with the County Recorder.

(3) If any time limitations are exceeded, approval of the preliminary partition or subdivision plan, and any subsequent subdivision phases, shall be void, unless extended. Any subsequent proposal by the applicant for division of the property shall require new action by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

**13.200 Granting of Extensions.**

(1) Approval Authority. An extension to an approved preliminary partition or subdivision plan, or to a phased development to an approval preliminary subdivision plan, is a routine administrative action approvable by the Director.

(2) Criteria for Approval of Extensions.

(a) The applicant shall have made application for the extension within the original time set forth for completing the conditions of preliminary plan approval.

(b) The applicant shall have the burden of proof to demonstrate that he or she has made a good faith and reasonable effort and progress to meet the conditions set forth in the tentative approval in the time period specified, and that the reason for delay in meeting the condition could not have been reasonably avoided.

(c) The applicant shall have the burden of proof to demonstrate either.

(i) That the uncompleted conditions can be met within a period of time not to exceed one year beyond the original time set forth for completing the conditions of preliminary plan approval, or

(ii) That for reasons over which the applicant does not have control, certain of the conditions cannot be met within one year beyond the original expiration date set forth in the preliminary plan approval, but can be met within a reasonable time not exceeding five years beyond the original expiration date. The reasonable time shall be specified in any extension granted by the Director.

"Reasons for which the applicant does not have control" shall mean circumstances which would reasonably prevent an applicant, as opposed to a particular applicant, from meeting the uncompleted conditions within two years from the date of tentative approval.

(3) Application Requirements.

(a) An application for an extension of preliminary plan approval shall be completed on the form provided by the Department and shall contain any necessary supporting materials or documents.

(b) The application for an extension shall be accompanied by the required filing fee to help defray the costs of processing the application.

(4) Notification of Decision on Application. The Director, after review of the application for an extension, shall give written notice of his or her decision and the

- (c) A sufficient description to define the location and boundaries of the plat area.
- (d) The lot lines for all lots within the plat area with dimensions in feet and hundredths of feet.
- (e) The location and dimensions of all existing and proposed public or private roads and names, as appropriate.
- (f) The description and location of all permanent reference monuments.
- (g) The width and location of all existing or proposed public utility easements.
- (h) A graphic designation of all areas being reserved for common use and the conditions, being imposed thereon or, in the case of a cluster subdivision, covenants and restrictions, including the final development plan which governs the use of all common areas, may be substituted for said graphic designation. The conditions, covenants and restrictions, and development plan shall be approved prior to final plat filing and, if recorded prior to final plat filing, the recording number shall be referenced on the final plat.
- (i) A designation of all areas covered by water and the location, width and direction of flow of all watercourses.
- (j) A designation of any area being dedicated by the applicant, including its purpose and an effective written dedication thereof.
- (k) A designation of any special notice, requirement or restriction required by the County as a condition of approval.
- (5) Accompanying Materials. The plat shall be accompanied by the following:
  - (a) An exact reproducible transparency which complies with LC 13.230(3).
  - (b) A subdivision guarantee, or equivalent document, issued by a title insurance company, verifying ownership of all property that is to be dedicated to the public. The document shall be current within 30 days of final plat filing.
  - (c) Computation sheets for all boundary lines and of all lot lines.
  - (d) A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants and restrictions.
  - (e) A copy of any documents relating to special notice, requirement or restriction required by the County as a condition of approval. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

#### **13.400 Amendments to Preliminary Plans and Final Plats.**

- (1) Approval of Minor Amendments. A minor amendment to an approved preliminary partition or subdivision plan, or to an approved plat, is a routine administrative action approvable by the Director.
- (2) Approval of Major Amendments. Approval of a major amendment to an approved preliminary partition or subdivision plan, or final plat shall be an administrative action subject to Type II procedures of LC Chapter 14 for Director decisions.
- (3) Road Vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

**13.450 Property Line Adjustments.**

(1) No person shall relocate or eliminate all or a portion of a common property line without review and approval of a property line adjustment application or as otherwise provided by this chapter.

(2) The Planning Director shall review one or more property line adjustments when the following standards are met:

(a) An application is submitted on a form provided by the County; and  
(b) Owner(s) of all properties involved in the property line adjustment consent in writing to the proposed adjustment and agree to record a conveyance or conveyances conforming to the approved property line adjustment; and

(c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties that does not create an additional unit of land; and

(d) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.

(3) A property line adjustment of a common property line between abutting F-1 zoned properties where each parcel is vacant and larger than 200 acres before and after the property line adjustment is exempt from review and approval unless the Applicant requests Planning Director review and notice.

(4) An applicant must obtain ministerial approval or may use the Planning Director review with public notice procedures if the property line adjustment is for:

(a) The adjustment of a common property line involving only F-1 zoned properties which are less than 200 acres and the applicant submits a title report for each F-1 property that demonstrates the properties are not encumbered by a nonrevocable deed restriction required for certain forest dwellings pursuant to ORS 215.740 and OAR 660 Division 06; or

(b) The adjustment of a common property line between properties in any zone if each adjusted property is vacant and complies with the minimum area requirements of the zoning before and after the property line adjustment; or

(c) The adjustment of a common property line between properties where a surveyor certifies that any property reduced in size by the adjustment is not reduced below the minimum lot or parcel size for the applicable zone, and where the setbacks from existing structures and improvements do not become nonconforming or more nonconforming with the setback requirements.

(5) All other property line adjustment applications are subject to Planning Director review with public notice, pursuant to Type II procedures of LC Chapter 14.

(a) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size for the applicable zone after the adjustment.

(b) Subject to subsection (c) of this section, the Planning Director may approve a property line adjustment in which:

(i) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(c) On land zoned for exclusive farm use or forest use, a property line adjustment under subsection (b) of this section may not be used to:

(i) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(ii) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(iii) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard. *(Revised by Ordinance No. 2-09; Effective 1.8.10; 14-09, 12.16.14)*

### **13.500 Variances.**

(1) Approval Authority. A decision on a variance shall be an administrative action subject to the provisions of Type II procedures of LC Chapter 14 for a decision by the Director.

(2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:

(a) Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(3) Application Requirements.

(a) The application shall be submitted pursuant to Type II procedures of LC Chapter 14 and concurrently with applications for preliminary or final approval. *(Revised by Ordinance No. 16-83)*

### **13.600 Appeals.**

(1) Procedure for Appeals. The procedure for appeals of Director decisions made pursuant to Type II procedures of LC Chapter 14 to the Hearings Official are specified in in LC 14.080.

(2) Other Appealable Decisions. The following Director actions are appealable to the Hearings Official by the applicant, and the procedure for such appeals shall be as specified in LC 14.080 for appeals to the Hearings Official.

(a) A written decision to approve or deny an extension.

(b) A written decision to deny final approval of a map or plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

**13.700 Enforcement.**

(1) In addition to, and not in lieu of any other enforcement mechanism authorized by Lane Code, when the Director or designee determines that a person has failed to comply with any provision of LC Chapter 13, the Director or designee may impose upon a responsible person an administrative civil penalty as provided by LC 5.017.

(2) In addition to penalties provided for by LC 13.700(1) above, Lane County may seek equitable relief for violations of LC Chapter 13 pursuant to LC 14.090.

(3) Whenever the Director determines that property has been partitioned or subdivided in a manner contrary to any of the provisions of this chapter, the Director may prepare a report describing the nature thereof, the legal description of the property and the name of the owner. Upon review of the report, and concurrence by the Office of Legal Counsel, the Director shall record the report, with a statement that no building permits will be issued for the described property, in the Lane County Records of Deeds. The Director shall promptly forward a copy of the recorded report to the owner(s) of record of the subject property. At such time as the failure to comply ceases to exist or is changed, the Director shall record an appropriate statement setting forth the current status of the property insofar as its relationship to the provisions of this chapter is concerned. Nothing in this section shall be deemed to require such recording as a condition precedent to the enforceability of any other provisions of this chapter.

(4) The enactment or amendment of this chapter shall not invalidate any prior existing or future prosecutions for violations, or failures to comply, committed under previous applicable Sections of LC Chapter 13 then in effect. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-93, 4.16.93; 1-00, 4.12.00)*



## Chapter 14 – Application Review and Appeal Procedures

### Sections:

- 14.010 Purpose
- 14.015 Definitions
- 14.020 General Provisions
- 14.030 Procedural Types and Application Processing
- 14.040 Application Requirements
- 14.050 Completeness Review and Time Limits
- 14.060 Notice Requirements
- 14.070 Public Hearings Process
- 14.080 Appeals
- 14.090 Limitations on Approved and Denied Applications
- 14.100 LUBA Remands

### **14.010 Purpose**

- (1) The purpose of this chapter is to establish standard procedures for submittal, acceptance, investigation, and review of applications and appeals, and to establish limitations upon approved or denied applications.
- (2) This chapter applies to Lane Code Chapters 3, 5, 9, 10, 11, 12, 13, 15, and 16, or portions thereof, as specified in those chapters.

### **14.015 Definitions**

**When a Term is Not Defined.** Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code.

**Conflicting Definitions.** Where a term defined in LC 14.015 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the definition in this section will control.

**Definitions.** For the purpose of Chapter 14 of Lane Code, unless the context requires otherwise, the following words and phrases mean:

- (1) **Acceptance.** Received and considered by the Director to contain sufficient information and materials to begin processing in accordance with the procedures of this chapter.
- (2) **Appearance.** Submission of testimony or evidence in the proceeding, either oral or written. A person's name appearing on a petition filed as a general statement of support or opposition to an application without additional substantive content, and that typically contains the names of a number of other persons, does not constitute an appearance.
- (3) **Appellant.** A person who submits to the department a timely appeal of a decision issued by the County.

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- (4) **Applicant.** A person who applies to the department for a decision under this chapter. An applicant must be an owner of the property or someone authorized in writing by the property owner to make application.
- (5) **Approval Authority.** A person or a group of persons, given authority by Lane Code to review and make decisions upon certain applications in accordance with the procedures of this chapter. The approval authority may either be the Director, Hearings Official, or the Board, as specified for application types by this chapter or otherwise specified in LC Chapter 16.
- (6) **Argument.** The assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by a party to a decision. Argument does not include facts.
- (7) **Board.** The Lane County Board of Commissioners.
- (8) **County.** Lane County, Oregon.
- (9) **De Novo.** Review of an application in which all issues of law and fact are heard anew, and no issue of law or fact decided by the lower level review authority is binding on the parties in the new hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony.
- (10) **Department.** The Lane County Department of Public Works.
- (11) **Director.** The Planning Director of Lane County or the Planning Director's designated representative.
- (12) **End of Business.** The end of the business day is 4:00 PM Pacific Time.
- (13) **Evidence.** The facts, documents, data, or other information offered to demonstrate compliance or non-compliance with the standards believed by the proponent to be relevant to the decision.
- (14) **Hearings Official.** A person who has been appointed by the Board in accordance with Lane Manual 3.700 who makes land use decisions under this chapter.
- (15) **Hearing Authority.** The Hearings Official, Planning Commission, or Board who conduct hearings on applications as authorized by this chapter and Lane County land use regulations. The Hearing Official and Board are authorized to issues decisions on certain land use matters. The Planning Commission only makes recommendations on certain land use matters unless otherwise specified in LC Chapter 16.
- (16) **Land Use Decision.** A final decision or determination made by a Lane County approval authority that concerns the adoption, amendment, or application of the Statewide planning goals, a comprehensive plan provision, a land use regulation, or a new land use regulation where the decision requires the interpretation or exercise of policy or legal judgment.

A "Land Use Decision" does not include a decision made by a Lane County approval authority that:

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- (a) Is an informal interpretation made under LC 14.020(1);
  - (b) Is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;
  - (c) Approves or denies a building permit issued under clear and objective land use standards;
  - (d) Is a limited land use decision;
  - (e) Determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;
  - (f) Is an expedited land division as described in ORS 197.360;
  - (g) Approves, in accordance with ORS 480.450(7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;
  - (h) Approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan;
  - (i) Authorizes an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 people that is not anticipated to continue for more than 120 hours in any three-month period, except as provided in ORS 215.213(13)(c);
  - (j) Authorizes an outdoor assembly license in accordance with Lane Code 3.995; or
  - (k) Is a local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179.
- (17) **Land Use Regulation.** Any Lane County zoning ordinance, land division ordinance adopted under ORS 92.044 to 92.046, or similar general ordinance establishing standards for implementing the Lane County Comprehensive Plan.
- (18) **Legislative.** An action or decision involving the creation, adoption, or amendment of a law, rule, or a map when a large amount of properties are involved, as opposed to the application of an existing law or rule to a particular use or property.
- (19) **Limited Land Use Decision.** Means a final decision or determination made by Lane County pertaining to a site within an urban growth boundary that concerns:
- (a) The approval or denial of a subdivision or partition plan, as described in ORS 92.040(1).
  - (b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review.

Does not mean a final decision made by Lane County pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

- (20) **Ministerial.** An action or decision based on clear and objective standards and criteria where no discretion by the approval authority is required.
- (21) **Owner.** A person on the title to real property as shown on the latest assessment records in the office of the Lane County Tax Assessor. Owner also includes a person whose name does not appear in the latest tax assessment records, but who presents to the County a recorded copy of a deed or contract of sale signed by the owner of record as shown in the Lane County Tax Assessor's records.
- (22) **Party.** With respect to actions under this chapter, the following persons or entities are defined as parties:
- (a) The applicant;
  - (b) Any owner of the subject property that is the subject of the decision under consideration in accordance with this chapter; and
  - (c) A person who makes an appearance before the approval authority or hearing authority.
- (23) **Permit.** A discretionary approval of a proposed development of land under ORS 215 or county legislation or regulation adopted in accordance with ORS 215.
- "Permit" does not include:
- (a) A building permit;
  - (b) A limited land use decision as defined in LC 14.015(19);
  - (c) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;
  - (d) A decision which determines final engineering, design, construction, operation, maintenance, repair, or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or
  - (e) An expedited land division, as described in ORS 197.360.
- (24) **Person.** Any individual, partnership, corporation, limited liability company, association, governmental subdivision or agency or public or private organization of any kind.
- (25) **Planning Commission.** The Planning Commission of Lane County, Oregon.
- (26) **Quasi-judicial.** A land use action or decision that is not ministerial or legislative that requires discretion or judgment in applying the standards or criteria of this Code to an application for

approval of a development or land use proposal.

**(27) Received.** Acquired by or taken into possession by the Director.

#### **14.020 General Provisions**

**(1) Effect of Informal Interpretation.** Any statement, interpretation, or determination provided by the department that is not in writing, or that is made outside of a Type I, II, III, or IV procedure in accordance with this chapter, is considered to be only a statement of opinion and not a final action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, to any party.

**(2) Pre-Application.** A pre-application conference is not a requirement of any application, but may be requested for a fee, where a project involves the need for multiple land use applications or for large scale or highly complex development projects. The purpose of the pre-application conference is to acquaint persons with the requirements of Lane Code, the applicable comprehensive plan, and other related documents prior to application. In no case will a pre-application conference or information provided therein be guaranteed to provide an exhaustive review of potential issues associated with any project nor will it preempt the enforcement of applicable regulations.

#### **(3) Submission of Materials**

**(a) General.** The submission of any materials by any party including application materials, supplemental information, written comments, testimony, evidence, exhibits, or other documents that are entered into the record of any land use application must be submitted either at the offices of the Director or at a public hearing, unless specified otherwise by the hearing notice or hearing authority prior to the close of the record. Materials are considered submitted when received, or in the case of materials submitted at a public hearing, placed before the hearing authority.

#### **(b) Electronic Materials.**

**(i)** When application or appeal materials submitted in hard copy format are over five pages in length, an applicant or appellant must provide an identical electronic version of the submitted materials in addition to a hard copy. Any other party submitting written materials into the record that are over five pages is also encouraged to submit an identical electronic copy. Any electronic materials must be in a format acceptable to the Director. This provision should not be interpreted to prohibit electronic submittals of materials less than five pages in length. The County will scan submitted materials upon request for fee. The County cannot be held responsible for electronic submittals that are not received by the Director or not confirmed by the Director to have been received.

**(ii)** When electronic materials over five pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.

**(c) Deadline.** Where any materials including both hard and electronic copies are submitted to the offices of the Director and are subject to a date-certain deadline, the materials

must be received by the Director by the end of business.

- (4) **Time Computation.** Except for application completeness review and processing timelines prescribed by LC 14.050, time periods prescribed or allowed by this chapter will be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or a legal holiday or any day on which the Director's office is not open for business.

#### 14.030 Procedure Types and Application Processing

- (1) **Procedure Types.** Application review will follow either a Type I, II, III, or IV procedure, set forth in subsections (a) through (d) below:

##### (a) Type I Procedure

- (i) **Overview.** The Type I procedure involves the ministerial review of an application based on clear and objective standards and criteria. Uses or development evaluated through this process are those that are permitted outright in the applicable zone. In general, potential impacts of the proposed development have been already recognized through the adoption of County standards. The Type I procedure does not require interpretation or exercise of policy or legal judgement when evaluating development standards and criteria. A Type I determination is made by the Director without public notice or a hearing. A Type I determination may not be appealed at the County level except as otherwise provided in Lane Code.

The Type I procedure applies to a variety of applications including, but not limited to, a land use compatibility statement (LUCS), declaratory ruling, verification of conditions, final partition or subdivision plat, floodplain verification, or floodplain fill or floodplain development permit, and timeline extensions.

- (ii) **Elective Type II.** In instances when an applicant seeks notice of a Type I determination, the applicant may request to process the request by making application for a Type II procedure.
- (iii) **Review and Determination.** Upon accepting a Type I application, the Director will review the application for compliance with all applicable land use standards and regulations and adopted plans.
- (iv) **Effective Date of Determination.** A Type I determination is final on the date it is signed by the Director. Within five days of the determination date, the applicant and property owner will be mailed a copy of the determination.

##### (b) Type II Procedure

- (i) **Overview.** The Type II procedure involves the Director's interpretation and exercise of discretion when evaluating approval standards and criteria. Uses or development evaluated through this process are uses that are conditionally permitted or allowed after Director review that may require the imposition of conditions of approval to ensure compliance with development standards and approval criteria. Type II decisions are made by the Director, in some cases after

notice of application and opportunity to comment. Type II decisions may be appealed.

The Type II procedure applies to a variety of applications including, but not limited to review of applications for: permitted uses subject to standards, conditional use permits, and tentative partition and subdivision applications made pursuant to LC Chapter 13.

- (ii) **Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type II applications will be reviewed in accordance with the following procedures:
  - (aa) Notice of application will be mailed if required or elected by the Director or applicant, as provided in LC 14.060(1).
  - (bb) At the conclusion of the comment period specified by the notice of application, or upon determination of application completeness if notice of application is not required or elected by the Director or applicant, the Director will review the application and written comments and prepare a written decision stating whether the application is approved, approved with conditions, or denied. The Director's decision will state the facts relied upon in rendering the decision. Approval or denial of an application must be based on applicable standards and criteria.
  - (cc) Notwithstanding subsection (1)(b)(ii)(aa) and (bb), the Director may elect to process a Type II application through a Type III procedure in accordance with the provisions at subsection (1)(c) below if the application raises one or more of the following issues :
    - (A) An application raises an issue which is of countywide significance.
    - (B) An application raises an issue which will reoccur with frequency on which policy guidance is needed.
    - (C) An application involves a significant impact to an inventoried Goal 5 resource based upon evidence provided by a state or federal agency or by a private professional with expertise in the field of the resource of concern.
    - (D) An application involves an existing use for which a compliance action is pending or with which a significant level of opposition is anticipated.
    - (E) An application involves opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations.
    - (F) An application involves a contemplated use that would be a different kind of use than the uses of nearby properties and the owners of three or more nearby properties object to the use or request a hearing.
    - (G) An application involves a contemplated use that would result in a

significant level of new commercial or industrial traffic, or ongoing truck traffic, on local roads in a residentially zoned area, or the introduction of noise, odors or dust into a residentially zoned area.

**(H)** At the discretion of the Director, if an applicant requests a Type III procedure and pays the additional required fee.

**(dd)** The Director will mail notice of a Type II decision in accordance with LC 14.060. Notice of decision should be mailed within two days.

**(ee)** Appeals of Type II decisions may be made in accordance with the procedures at LC 14.080.

**(iii) Effective Date of Decision.** A Type II decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed in accordance with LC 14.080. If the Director's decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

**(c) Type III Procedure**

**(i) Overview.** The Type III procedure involves interpretation and exercise of discretion when evaluating approval standards and criteria. Applications subject to a Type III procedure are more complex and development impacts may be more significant than Type II applications, warranting review through a public hearing. The Type III procedure involves public notice, a public hearing, decision by the Hearings Official unless otherwise specified by LC Chapter 16, and an opportunity for appeal under LC 14.080.

**(ii) Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type III applications will be reviewed in accordance with the following procedures.

**(aa)** Notice of public hearing will be mailed, and as required, posted and published, as provided in LC 14.060.

**(bb)** The Hearings Official will conduct a public hearing, in accordance with the applicable hearing procedures found at LC 14.070.

**(cc)** To the extent possible, the Hearings Official should issue to the Director a written decision and findings within 10 days of close of the hearing record and identify parties to the proceeding.

**(dd)** The Director will mail notice of the decision in accordance with LC 14.060. Notice of decision should be mailed within two days of issuance of the Hearings Official decision.

**(ee)** Appeals of Type III Hearings Official decisions may be made in accordance with pursuant to the procedures at LC 14.080.



- (iii) **Effective Date of Decision.** A Type III decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed in accordance with LC 14.080. If the decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

**(d) Type IV Procedure**

- (i) **Overview.** The Type IV procedure applies to the creation, revision, or broad-scale implementation of public policy, land use regulations, the comprehensive plan, or zoning maps, except that a change to zoning map independent of a post-acknowledgement plan amendment is subject to a Type III procedure. The Type IV procedure also includes plan diagram or policy amendments affecting specific properties. The Type IV procedure involves the evaluation of subjective review criteria and plan policies, public notice, a hearing before the Planning Commission and Board, final decision issued by the Board, and an opportunity to appeal. For a property specific Type IV application, hearings before the Planning Commission and Board will be quasi-judicial and the County is not required to render a final decision on these matters within the timelines of LC 14.050. A Type IV quasi-judicial application may be initiated by an owner or authorized agent according to LC 14.040. The Director may initiate a Type IV application without a privately-initiated application.
- (ii) **Review and Decision.** Upon determination of completeness, Type IV applications will be reviewed in accordance with the following procedures.
  - (aa) Notice of Type IV public hearings will be mailed and published as provided in LC 14.060. Additionally, for a Type IV quasi-judicial application that concerns a specific property or properties, the applicant must post notice on the subject property and the County must mail notice of a Type IV quasi-judicial application in accordance with LC 14.060.
  - (bb) The Planning Commission will conduct a public hearing in accordance with the applicable procedures at LC 14.070 and make a recommendation to the Board.
  - (cc) The Board will conduct a public hearing in accordance with the applicable procedures at LC 14.070 and will issue a decision after considering the staff report, Planning Commission recommendation and public comment, and deliberating on the matter.
  - (dd) The Director will mail notice of the Board's decision in accordance with LC 14.060. Notice of a Type IV land use decision will be mailed to the applicant, all parties, and the Department of Land Conservation and Development within 20 days after the Board makes the decision. The Director will also provide notice to any person as required by other applicable laws.
  - (ee) Appeals of final land use decisions issued by the Board may be appealed in accordance with the procedures in LC 14.080.

- (iii) **Final Decision and Effective Date of Decision.** A decision on a Type IV

application is final when reduced to writing, signed and mailed to those entitled to notice of decision. If approved, the decision will take effect on the effective date of the enacting ordinance. If a Type IV ordinance is appealed, the effective date will be delayed until the proceedings before the Land Use Board of Appeals or the appellate courts have been completed and any County remand proceedings have been concluded and a new effective date determined via an ordinance approving the application.

- (2) **Consolidated Review of Applications.** When an applicant files more than one application concurrently for the same property or tract of land, the applicant may elect to consolidate the review of the concurrent applications. When review of concurrent applications subject to different procedure types is consolidated, all of the applications will be reviewed under the highest procedure type. When proceedings are consolidated, required notices may be consolidated, provided the notice identifies each application and cites their respective review criteria. When more than one application is reviewed, findings of fact must address each application and a decision must be made on each application.
- (3) **Limited Land Use Decision Procedure (only within UGBs).** All applications for limited land use decisions must be reviewed and decided by the Director through a Type II procedure and are also subject to the following requirements:
  - (a) Notice of application must be mailed in accordance with LC 14.060(1)(a).
  - (b) Approval or denial of an application for a limited land use decision must be based upon and accompanied by a brief statement that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the standards, criteria, and facts set forth.
  - (c) A limited land use decision by the Director may be appealed to the Hearings Official in accordance with LC 14.080.

#### 14.040 Application Requirements

- (1) **Minimum Submittal Requirements.** Applications for a Type I through Type IV procedure must be submitted on a form provided by the Director, address all applicable standards and criteria, and include the following materials and information:
  - (a) Applications must include at least one hard copy of all application materials, no larger than 11 inch x 17 inch in size, and an electronic copy if required by LC 14.020(3)(b);
  - (b) All applicable information requested on the application form;
  - (c) Required filing fee, except that the required filing fee may not be required when Lane County initiates an application;
  - (d) Signature of each applicant;
  - (e) Signature of a property owner or property owner's authorized representative;

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- (f) Proof of property ownership by providing a certified or recorded copy of a deed, or land sale contract, or Lane County Tax Assessor's records;
  - (g) Assessor's map and tax lot number of the subject property;
  - (h) A site plan drawn to a standard engineer's scale, and conforming to the County's site plan submittal standards;
  - (i) Information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property;
  - (j) A written narrative clearly indicating what action is requested and addressing all applicable standards and criteria;
  - (k) Supporting information required to evaluate the application and address the applicable standards and criteria;
  - (l) A written statement indicating whether a railroad-highway crossing provides or will provide the only access to land that is the subject of an application; and
  - (m) Additional information needed to evaluate applicable standards and criteria.
- (2) **Fees Required.** In addition to any other applicable approval criteria, an approvable Type II or III application must be accompanied by the appropriate filing fee unless the Director authorizes a waiver or reduction to filing fees pursuant to Lane Manual Chapter 60.850.
- (3) **Determination of Application Requirements.** The Director may waive any of the requirements of subsection (1) above if deemed to be inapplicable to the application.
- (4) **Applicant's Burden.** It is the applicant's responsibility to provide evidence demonstrating that the application complies with all applicable standards and criteria.
- (5) **Modification of Application.** Once an application is deemed complete, an applicant may modify an application subject to the following provisions:
- (a) **Applicability.**
    - (i) A modification of application is a procedure required when an applicant submits:
      - (aa) Additional or revised application materials that include a new or substantially revised site plan; or
      - (bb) Written materials that include or require substantial new findings of fact.
    - (ii) A modification of application does not apply to:
      - (aa) An applicant's submission of new evidence or proposed conditions of approval that merely clarify or support the pending application;
      - (bb) Reductions to the scope of the project to mitigate project impacts where such reductions do not involve the siting of proposed development closer to

adjoining properties or Goal 5 inventoried resources, or relocation of the proposed access or circulation pattern; or

**(cc)** Type I applications.

**(b) Requirements.** The Director or hearing authority will not consider information submitted by or on behalf of an applicant that would constitute a modification of application unless the applicant first submits a request that complies with the following:

**(i)** The request includes:

**(aa)** A completed application form that has been signed by the applicant and owner, and that describes the modification of application requested;

**(bb)** The required fee;

**(cc)** Any modified application materials; and

**(dd)** Written authorization for an extension of applicable timelines pursuant to LC 14.050(2) that is effective as of the date the modification of application is submitted and that corresponds with the amount of time calculated between the date of application completeness and the date of the modification of application request. Any such timeline extension must also comply with subsection (5)(b)(ii) below.

**(ii)** The applicable time limit for final review for an application may be extended as many times as there are modification of applications submitted, subject to the limitations, exceptions, and clarifications in ORS 215.427. The total of all extensions may not exceed 215 days per ORS 215.427(5).

**(iii)** The modification of application may be submitted up until the issuance of a Type II Director decision, or close of the open record period allowing submittal of new information for an application reviewed under a Type III or IV hearing procedure, but in no case may it be submitted later than the 215<sup>th</sup> day after the date the application was deemed complete.

**(c) Procedure.**

**(i)** A modification of application will be processed under the same procedure type as the original application.

**(ii)** The Director or hearing authority may require additional notice and if applicable, public hearing.

**(iii)** For Type II applications that do not involve a public hearing, or for procedure types requiring public hearing up until the date and time a hearing is opened for receipt of oral testimony on an application, the Director will have the sole authority to determine whether an applicant's submittal constitutes a modification of application. After such time for procedures that involve a public hearing, the hearing authority will make such determinations. The determination of whether a submittal constitutes a

modification of application will be appealable only after a decision is entered on the application.

- (6) **New Application.** If an application is modified in such a manner that approval for a different land use is requested or a different set of approval criteria or development standards apply, a new application will be required. The new application will be subject to all submittal and processing requirements of this Chapter applicable to the procedure type.

#### 14.050 Completeness Review and Time Limits

- (1) **Type II or III Completeness Review.** Within 30 days of a Type II or Type III application being received, the Director will evaluate the application for completeness in accordance with subsections (a) through (e) below.
- (a) An application submitted to the Director will not be considered accepted solely because of having been received. Upon receipt of an application, the Director will date stamp the application and verify that the appropriate application fee and materials have been submitted before accepting the application. Acceptance of an application will not preclude a later determination that the application is incomplete.
  - (b) Applications will be evaluated for completeness with applicable application requirements of LC 14.040.
  - (c) **Supplementation of Application within First 30 days of Submittal.** An applicant may not submit any supplemental information for an application within the first 30 days following acceptance of the application or until the application has been deemed complete, whichever is first, except when requested or otherwise authorized by the Director. Any supplemental information submitted by an applicant in violation of this section will not be considered in determining whether the application is complete and will be returned to the applicant.
  - (d) **Complete Application.** An application will be deemed complete if the application requirements have been fully satisfied upon initial filing or through the procedures set forth in subsection (1)(e)(i) - (iii) below. When the Director deems the application complete, the Director will notify the applicant in writing. If the Director has not issued in writing a completeness determination within 30 days from the date the application is received by the Director, the application is automatically deemed complete on the 31<sup>st</sup> day after it was received.
  - (e) **Incomplete Application.** If an application is incomplete, the Director will notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information within the timeframe set forth in subsection (1)(f) below. The application will be deemed complete upon receipt by the Director of:
    - (i) All of the missing information;
    - (ii) Some of the missing information and a written notice from the applicant that no

other information will be provided; or

(iii) Written notice from the applicant that none of the missing information will be provided.

(f) **Void Applications.** On the 181st day after first being submitted, an incomplete application is void if the applicant has been notified of missing information and the application has not been deemed complete in accordance with subsection (1)(e)(i) - (iii) above.

(g) **Applicable Standards and Criteria.** If an application was complete when first submitted or the applicant submits additional information in accordance with subsection (1)(e) above within 180 days of the date the application was first submitted, review of the application will be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) **Time Limit.** Subject to the limitations, exceptions and clarifications in ORS 215.427 and except as provide in subsection (1) above, the County must take final action, including resolution of all appeals under ORS 215.422, within the timelines set forth in subsections (2)(a) to (d) below. Violation of these timelines does not constitute a procedural error by the County, but provides the applicant with the remedy set forth in ORS 215.429.

(a) For land within an urban growth boundary and applications for mineral aggregate extraction the County must take final action on an application for a permit, limited land use decision, or zone change, within 120 days after the application is deemed complete.

(b) For applications for new telecommunication towers or collocations, the County must take final action within any applicable time limit set forth by the Federal Communications Commission or within a timeframe mutually agreed upon by the County and the applicant in accordance with FCC ruling, as applicable.

(c) For all other applications, the County must take final action within 150 days after an application for a permit, limited land use decision, or zone change is deemed complete.

(d) The time periods specified in subsection (2)(a) and (c) above may be extended for a specified time period at the written request of the applicant, subject to the limitations of ORS 215.427(5).

(e) The time periods in subsection (2)(a) and (c) do not apply to a Type IV decision changing an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

#### 14.060 Notice Requirements

##### (1) Notice of Application

(a) **Special Notice for Limited Land Use Decision.** For a limited land use decision, written notice of the application must be mailed to owners of property within 100 feet of any part of the tract for which the application is made and to any neighborhood or

community organization recognized by the Board and whose boundaries include the site, and to any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action. The notice must provide at least a 14 day period for submission of written comments prior to the decision. The notice must include the information required by subsection (5).

- (b) **Optional.** Notice of a Type II application may be mailed in accordance with subsections (4) and (5) below. Notwithstanding subsections (4) and (5) below, the Director may choose to mail notice of the application only to affected governmental agencies. The notice will provide at least a 15 day period for submission of written comments prior to the decision. This provision does not preclude an applicant's ability to request notice of application.
- (c) **Special Notice and Review Requirements for a Dwelling in the EFU Zone.** For an application for a dwelling on EFU-zoned land in accordance with LC 16.212(7)(g), the Director must provide notice of application consistent with the following.
  - (i) The notice of application must be mailed in accordance with subsections (4) and (5) below and to:
    - (aa) Owners of land that is within 750 feet of the lot or parcel on which the dwelling will be established; and
    - (bb) Any person who requested notice of such applications and who paid a reasonable fee established by the County to cover the cost of such notice.
  - (ii) The notice required under this section must specify that there are 15 days following the date of the postmark of the notice to file a written objection on the grounds only that the dwelling or activities associated with it would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands devoted to farm use.
  - (iii) If no objection based on the grounds identified in subsection (1)(c)(ii) above is received within 15 day notice period, the Director must approve, approve with conditions, or deny the application. If an objection is received based on the grounds identified in (1)(c)(ii) above, the Director must set the matter for a hearing and process the application through a Type III procedure.
  - (iv) The costs of the notice required by subsection (1)(c)(i) of this section may be charged to the applicant.
- (d) **Special Notice to Railroad Company upon Certain Applications for Land Use Decision, Limited Land Use Decision or Expedited Land Use Decision**
  - (i) As used in this section, the term "railroad company" includes every corporation, company, association, joint stock association, partnership or person, and their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, controlling or managing any railroad.
  - (ii) The Director must provide notice of application, in accordance with the timelines

established in this section in accordance with subsections (4) and (5) below to the Oregon Department of Transportation and the railroad company if the applicant indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application for a land use decision, limited land use decision, or expedited land division.

- (e) **Timing of Notice of Application.** Notice of application provided pursuant to subsection (1)(a) to (d) will be mailed after determination that the application is complete in accordance with LC 14.050(1).

**(2) Notice of Public Hearing**

- (a) **Mailed Notice for a De Novo Hearing.** Mailed notice of a de novo public hearing containing the information required by subsection (5) below will be provided as follows:

- (i) **Type III.** The Director must mail notice of hearing on a Type III application at least 20 days prior to the public hearing date. Notice of public hearing will be mailed to the persons and agencies listed in subsection (4) below.
- (ii) **Type IV.** At least 20 days before the date of the first Type IV public hearing, notice of public hearing will be mailed to:
  - (aa) The applicant;
  - (bb) Each owner whose property would be directly affected by the proposal.
  - (cc) Any affected governmental agency;
  - (dd) To any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action; and
  - (ee) Any person who requests notice in writing of a specific application.
  - (ff) For a Type IV quasi-judicial application, notice must be mailed to the persons and agencies listed at subsection (4)(a).

- (b) **Mailed Notice for an On the Record Hearing.** Mailed notice of an on the record hearing will be provided as follows:

- (i) The Director must mail notice of an on the record hearing at least 10 days prior to the hearing date. Notice of hearing will be mailed to:
  - (aa) Applicant;
  - (bb) Property owner;
  - (cc) Appellant (if applicable); and
  - (dd) Any party to the application.



- (ii) The notice will include the information required by subsection (5) below as applicable, a statement regarding the purpose of the hearing and whether additional limited testimony under LC 14.080(4)(d)(vii) will be allowed or limited to the record, and the names of parties who may participate in the Board hearing.
- (c) **Remand Notice.** Notice of a Land Use Board of Appeals (LUBA) remand hearing conducted pursuant to Lane Code 14.100 will be provided as follows:
  - (i) The Director must mail notice of a remand hearing at least 10 days prior to hearing.
  - (ii) Notice of the hearing will be mailed to:
    - (aa) Applicant;
    - (bb) Property owner;
    - (cc) Parties to the application who appeared before the approval authority that issued the previous final County decision; and
    - (dd) Any petitioner, respondent, or intervenor of the LUBA appeal.
  - (iii) The notice will include the information required by subsection (5) below as applicable, a description of specific issues identified in the remand final order as the basis for the remand, and a statement indicating whether any additional testimony and evidence may be submitted and if so, that additional testimony and evidence must be limited to specific issues identified in the remand final order.
- (d) **Posted Notice**
  - (i) For Type III and IV applications that involve a specific property or properties, at least 14 days before the first hearing, not including an appeal hearing, the applicant must post a notice of the hearing on the subject property in clear view from a public right-of-way where feasible. Posted notice must be on a sign provided by the Director. The design of the sign will be prescribed by the Director, but must be at least 22 inches by 28 inches in size and have a brightly colored background. The posted notice will contain the following information:
    - (aa) Identification of the hearing authority
    - (bb) Time, date, and location of the first hearing;
    - (cc) Department file number;
    - (dd) General nature of the proposal; and
    - (ee) Where more information may be obtained.
  - (ii) Prior to the public hearing, the applicant must submit to the Director an affidavit of posting indicating that the notice was posted in accordance with this subsection.

- (iii) The applicant must remove and lawfully dispose of the sign within 14 days of the close of the public hearing.

**(e) Published Notice of Hearing**

- (i) At least 21 days before the first hearing for zone change and/or plan amendment application, the Director must publish notice of the hearing in a newspaper of general circulation. The notice provisions of this section does not restrict the giving of notice by additional means, including mail, radio, and television. The published notice will contain the same information required in subsection (5)(d) below as applicable.
- (ii) For an on the record hearing on a zone change, published notice must be provided in the same manner as described above, except that notice must be published at least 10 days before the first on the record hearing.

- (3) Notice of Decision.** A notice of a decision will be mailed to the persons identified in (4) below. The notice of decision will contain the information identified in (5) below.

**(4) Mailing List**

- (a) When notice of an application is sent in accordance with LC 14.060(1)(b) above, and for notice of a Type II decision, a Type III hearing, or a Type IV quasi-judicial hearing, notice will be mailed to the following persons:
  - (i) Applicant;
  - (ii) Property owner;
  - (iii) Appellant (if applicable);
  - (iv) Owners of record of properties on the most recent property tax assessment roll where such property is located:
    - (aa) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
    - (bb) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
    - (cc) Within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
  - (v) Any neighborhood group or community organization recognized by the governing body as specified in Lane Manual Chapter 3 and whose boundaries include the site;
  - (vi) Any person who submits a written request to receive a notice of the specific application;

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- (vii) Any person who requests and remits payment for an annual subscription for notice per Lane Manual for a specific type of application involved;
  - (viii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the County and any other affected governmental agencies. At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate a permit or land use decision issued by the Director or Hearings Official; and
  - (ix) For a notice of decision, appeal, or Type IV hearing: any person who appeared either orally or in writing before the approval authority or prior hearing authority.
- (b) A notice of a Type IV legislative hearing or Type III or IV decision must be mailed to the following persons:
- (i) Applicant;
  - (ii) Property owner (if applicable);
  - (iii) Appellant (if applicable);
  - (iv) Any party to the application;
  - (v) Any person who submits a written request to receive a notice of the specific application or specific type of application involved; and
  - (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the County and any other affected governmental agencies. At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate an action or permit approval made by the hearing authority under this Code

(5) **Mailed Notice Content.** Any mailed notice of application, decision, or public hearing must contain information in subsection (5)(a) below, and where applicable, the additional information specified in subsection (5)(b) through (e).

**(a) Minimum Content Required**

- (i) Identification of the application by department file number;
- (ii) Identification of the property owner, and if different than the owner, the applicant and/or the applicants or owners authorized representative;
- (iii) Identification of appellant (if applicable);
- (iv) Identification of the address and assessor's map and tax lot number of, or other

easily understood geographical reference to, the subject property and any contiguous properties in the same ownership;

- (v) Explanation of the nature of the application and the proposed use or uses which could be authorized by the decision;
  - (vi) List of the applicable standards and criteria, by commonly used citation, from the applicable comprehensive plan that apply to the application and decision;
  - (vii) Name, phone number, and email of the department representative to contact to obtain additional information;
  - (viii) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable standards and criteria, and a copy of any staff report are available for inspection at no cost and copies will be provided at reasonable cost; and
  - (ix) Statement that "NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE FORWARDED TO THE PURCHASER."
- (b) **Content for Notice of Application.** In addition to the information required by subsection (5)(a) above, a mailed notice of application for a Type II application must contain the following information:
- (i) Place, date, and time that comments are due;
  - (ii) A general explanation of the requirements for submission of testimony;
  - (iii) State that issues that may provide the basis for an appeal must be raised in writing with sufficient specificity to enable the Director to respond to the issue prior to the expiration of the comment period; and
  - (iv) Statement that after the close of the comment period, the Director will issue and provide notice of the decision to persons who provided written comments or are otherwise legally entitled to notice of decision.
- (c) **Content for Notice of Limited Land Use Application.** In addition to the information required by subsection (5)(a) and (b)(i)-(ii) above, a mailed notice of application for a limited land use decision must provide a brief summary of the local decision making process for the limited land use decision being made.
- (d) **Content for Notice of Public Hearing.** In addition to the information required by subsection (5)(a)(i)-(ix) above, mailed notice of public hearing must contain the following information:
- (i) The time, date, and location of the hearing;
  - (ii) Identification of which hearing authority will conduct the public hearing;

- (iii) A statement that failure to raise an issue in a hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes the ability to appeal to the Land Use Board of Appeals on that issue;
  - (iv) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided upon request at a reasonable cost; and
  - (v) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (e) **Content for Notice of Decision.** In addition to the information required by subsection (5)(a) above, a mailed notice of decision must contain the information listed below. The notice may be a summary, provided it references the specifics of the proposal and the conditions of approval in the record.
- (i) Description of the nature of the decision;
  - (ii) Statement of where a copy of the decision can be obtained;
  - (iii) Statement of how to appeal the decision;
  - (iv) Deadline for an appeal;
  - (v) Date the decision will become final, unless appealed; and
  - (vi) For a Type II decision:
    - (aa) Statement that the decision will not become final until the period for filing a local appeal has expired;
    - (bb) Statement that any person who is adversely affected or aggrieved or who is entitled to notice of decision may appeal the decision by filing a written appeal; and
    - (cc) Statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals.
- (6) **Additional Notice.** Mailed, posted, or published notice may be provided that exceeds the requirements of this chapter. The requirements for notice must not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Director for any reason.

#### 14.070 Public Hearings Process

- (1) **Staff Report.** At least seven days prior to a public hearing, the Director will provide a staff report to the hearing authority and parties to the application, and make it available to the public upon request. If the report is not provided by such time, the hearing will be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a

continuance of the hearing to a date certain that is at least seven days after the date the staff report is provided. The granting of a continuance under these circumstances will be at the discretion of the hearing authority.

**(2) Personal Conduct**

- (a) No person may be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- (b) No person may testify without first receiving recognition from the hearing authority and stating their full name and address.
- (c) No person may present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- (d) Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing are not permitted. Any such conduct may be cause for immediate suspension of the hearing or removal of the offender from the hearing.

**(3) Limitations on Oral Presentations.** The hearing authority may set reasonable time limits on oral testimony.

**(4) Appearing.** Any interested person may appear either orally before the close of a public hearing or in writing before the close of the written record, except that for an on the record hearing, persons who may appear are limited to those described at LC 14.080(4)(d)(vii). Any person who has appeared in the manner prescribed in LC 14.080(4)(d)(vii) will be considered a party to the proceeding.

**(5) Disclosure of Ex Parte Contacts**

- (a) Any member of a hearing authority for a quasi-judicial application must reasonably attempt to avoid ex parte contact. As used in this section, ex parte contact is communication directly or indirectly with any party or their representative outside of the hearing in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should a hearing authority member engage in ex parte contact, that member must:
  - (i) Publically announce for the record at the hearing the substance, circumstances, and parties to such communication;
  - (ii) Announce that other parties are entitled to rebut the substance of the ex parte communication during the hearing; and
  - (iii) State whether they are capable of rendering a fair and impartial decision.
- (b) If the hearing authority or member thereof is unable to render a fair and impartial decision, or recommendation in the case of the Planning Commission, they must recuse themselves from the proceedings.
- (c) Communication between the Director and the hearing authority or a member thereof is

not considered an ex parte contact.

- (6) **Disclosure of Personal Knowledge.** If any member of a hearing authority uses personal knowledge acquired outside of the hearing process in rendering a decision, they must state the substance of the knowledge on the record.
- (7) **Site Visit.** For the purposes of this section, a site visit by any member of a hearing authority will be deemed to be personal knowledge. If a site visit has been conducted, the hearing authority member must disclose their observations and conclusions gained from the site visit.
- (8) **Challenge for Bias, Prejudgment, or Personal Interest.** Prior to or at the commencement of a hearing, any party may challenge the qualification of any member of the hearing authority for bias, prejudgment, or personal interest. The challenge must be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, that hearing authority member must either recuse themselves from the proceedings, or make a statement on the record that they can make a fair and impartial decision and will hear and rule on the matter.
- (9) **Potential Conflicts of Interest.** No member of the hearing authority may participate in a hearing or a decision upon an application when the effect of the decision would be to the private pecuniary benefit or detriment of the member or the member's relative or any business in which the member or a relative of the member is associated unless the pecuniary benefit arises out of:
  - (a) An interest or membership in a particular business, industry occupation or other class required by law as a prerequisite to the holding by the member of the office or position;
  - (b) The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged; or
  - (c) The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged.
- (10) **Qualification of a Member of the Hearing Authority Absent at a Prior Hearing.** If a member of the hearing authority was absent from a prior public hearing on the same matter which is under consideration, that member will be qualified to vote on the matter if the member has reviewed the record of the matter in its entirety and announces, prior to participation that this has been done. If the member does not review the record in its entirety, that member must not vote and must abstain from the proceedings.
- (11) **Hearing Authority's Jurisdiction.** In the conduct of a public hearing, the hearing authority will have the jurisdiction to:
  - (a) Regulate the course, sequence and decorum of the hearing.

- (b) Decide procedural requirements or similar matters consistent with this chapter.
- (c) Rule on offers of proof and relevancy of evidence and testimony and exclude repetitious, immaterial, or cumulative evidence.
- (d) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony.
- (e) Take such other action appropriate for conduct of the hearing.
- (f) Grant, deny, or in appropriate cases, attach such conditions to the matter being heard to the extent allowed by applicable law and that may be necessary to comply with the applicable approval criteria or in appropriate cases, formulate a recommendation for the Board.
- (g) Continue the hearing to a date certain as provided at LC 14.070(17).
- (h) Allow the applicant to withdraw and cancel the application. Subsequent to the cancellation of the application, if the applicant wishes to proceed with the same or different proposal requiring a land use application, a new application may be submitted and the new application must be processed in compliance with all the provisions of this chapter.

**(12) Hearing Procedures.** At the commencement of a hearing, the hearing authority must state to those in attendance all of the following information and instructions:

- (a) Date of the hearing;
- (b) Department file number;
- (c) Nature, purpose, and type of the hearing;
- (d) When applicable, the parties that may participate in the hearing and/or issues to which the hearing is limited;
- (e) Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property, if applicable;
- (f) Order of the proceedings, including reasonable time limits on oral presentations by parties;
- (g) For a quasi-judicial application, a statement disclosing any pre-hearing ex parte contacts;
- (h) For a Type III or IV procedure, a statement disclosing any personal knowledge, bias, prejudice, or personal interest on the part of the hearing authority;
- (i) Call for any challenges to the hearing authority's qualifications to hear the matter. Any such challenges must be stated at the commencement of the hearing, and the hearing authority must decide whether they can proceed with the hearing as provided in



subsection (9) above;

- (j) List of the applicable approval standards and criteria for the application;
- (k) Statement that testimony, arguments, and evidence must be directed toward applicable approval standards and criteria, or other standards and criteria in the Lane County land use regulations or comprehensive plan that the person testifying believes to apply to the decision;
- (l) Statement that failure to raise an issue accompanied by statements or evidence with sufficient detail to give the hearing authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;
- (m) Statement that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the hearing authority to respond to the issue precludes an action for damages in circuit court;
- (n) Statement that prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing authority must grant the request by either continuing the public hearing or leaving the record open for additional written evidence, arguments, or testimony in accordance with subsection (17) below; and
- (o) Statement that the decision of the approval authority may be appealed in accordance with LC 14.080.

**(13) Order of Proceeding.** In the conduct of a public hearing other than an on the record hearing, the following order of procedure will generally be followed. However, the hearing authority may modify the order of proceeding.

- (a) The Director will present the staff report;
- (b) The applicant will be heard first;
- (c) Allow persons in favor of the proposal to be heard;
- (d) Allow persons neither in favor or opposed of the proposal to be heard;
- (e) Allow persons opposed to the proposal to be heard;
- (f) Allow the Director to present any further comments or information in response to the testimony and evidence;
- (g) Allow the applicant final rebuttal; and
- (h) Conclude the hearing.

**(15) Questions.** The hearing authority at any point during the hearing may ask questions of the Director or parties. Questions by parties, interested persons, or the Director may be allowed by the hearing authority at their discretion. Questions must be directed to the hearing

authority. Questions posed directly to the Director or any party are not allowed. The hearing authority may allow questions to be answered by the Director or a party if a question pertains to them. They will be given a reasonable amount of time to respond solely to the question.

**(16) Presenting and Receiving Evidence.** No oral testimony will be accepted after the close of the hearing. Written testimony may be received after the close of the hearing only in accordance with subsections (17) through (19) below.

**(17) Continuances and Leaving the Record Open.** If the hearing is an initial evidentiary hearing, prior to the conclusion of the hearing any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing authority must grant such request by continuing the public hearing in accordance with subsection (17)(a) below or leaving the record open for additional written evidence, arguments, or testimony in accordance with subsection (17)(b) below.

- (a)** If the hearing authority grants a continuance, the hearing must be continued to a date, time, and place certain that is at least seven days after the date of the initial evidentiary hearing. An opportunity must be provided at the continued hearing for persons to present and respond to new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.
- (b)** If the hearing authority leaves the record open for additional written evidence, arguments, or testimony, the record must be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such request is filed, the hearing authority must reopen the record in accordance with subsection (19) below.
- (c)** A continuance or leaving the record open (extension) granted under this section is subject to the applicable time limit for processing the application, unless the continuance or extension is requested or agreed to by the applicant, in which case the continuance or extension will result in a corresponding extension of the applicable time limit. A continuance or extension to the applicable timeline is subject to the total time limit set in LC 14.050(2).
- (d)** Unless waived by the applicant, the hearing authority must grant the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application, excluding new evidence. The applicant's final rebuttal will be considered part of the record, but must not include any new evidence. This seven-day period will not be counted toward the applicable time limit for processing the application.
- (e)** At the discretion of the Director, if prior to the initial public hearing, or at the discretion of the hearing authority if at the hearing, an applicant may receive a continuance upon any request for a continuance if accompanied by a corresponding extension of the applicable time limit subject to the total time limit set forth in LC 14.050(2), and the applicable fee.

**(18) Rescheduling.** In the event that a noticed public hearing must be rescheduled due to an emergency situation, the rescheduling of the meeting will constitute sufficient notice of a public hearing provided the following minimum procedures are observed:

- (a)** Notice is posted on the door of the building in which the hearing is scheduled advising of the cancellation and the date, time, and place for the rescheduled meeting or that new notice will be sent indicating that new date, time, and place.
- (b)** Reasonable attempts are made prior to the scheduled hearing to announce the cancellation and rescheduling by direct communication to applicants and known interested parties and through available news media to the general public.

**(19) Re-opening the Record.** When the hearing authority re-opens the record to admit new evidence, arguments, or testimony, the hearing authority must allow people who previously participated in the hearing to request the hearing record be re-opened, as necessary, to present evidence concerning the newly presented facts. Upon announcement by the hearing authority of their intention to take notice of such facts in its deliberations, any person may raise new issues which relate to the new evidence, arguments, testimony, or standards and criteria which apply to the matter at issue.

**(20) Record of the Hearing.** The hearing authority will consider only facts and arguments in the hearing record; except that it may consider laws and legal rulings not in the hearing record (e.g., local, state, or federal regulations; previous department decisions; or case law).

- (a)** The hearing record will include all of the following information:
  - (i)** All oral and written evidence submitted to the hearing authority;
  - (ii)** All materials submitted by the Director to the hearing authority regarding the application;
  - (iii)** A recording of the hearing;
  - (iv)** The final written decision; and
  - (v)** Copies of all notices given as required by this chapter and correspondence regarding the application that the Director mailed or received.
- (b)** All exhibits presented will be kept as part of the record and marked to show the identity of the person offering the exhibit. Exhibits will be numbered in the order presented and will be dated.

**(21) Conclusion of Hearing**

- (a)** After the close of the hearing record, the hearing authority may either make a decision and state findings which may incorporate findings proposed by any party or the Director, or take the matter under advisement for a decision to be made at a later date. If the Planning Commission is the hearing authority, it will make a recommendation with findings to the Board in lieu of issuing a decision.

- (b) The hearing authority may request proposed findings and conclusions from any party at the hearing. The hearing authority, before adopting findings and conclusions, may circulate them in draft form to parties for written comment.
- (c) The decision and findings must be completed in writing and signed by the hearing authority within ten days of the closing of the record for the last hearing. A longer period of time may be taken to complete the findings and decision if the applicant provides written consent to an extension to any applicable timelines in which the County must process the application for an amount of time that is equal to the amount of additional time it takes to prepare the findings.

**(22) Decision and Findings Mailing.** Upon a written decision adopting findings being signed by the approval authority, the Director will mail to the applicant and all parties a copy of the decision and findings, or if the decision and findings exceed five pages, the Director will mail notice of the decision.

#### **14.080 Appeals**

**(1) Appeal Filing Procedures.** Appeals of Type II and III decisions may be filed under this section. Appeals must comply with subsection (1)(a) through (c) below. The requirements of this section are jurisdictional and must be satisfied as a requirement for the Director to accept the appeal in accordance with subsection (2)(a).

**(a) Who May Appeal.**

(i) A Type II decision issued by the Director for which a hearing has not been held may be appealed by:

(aa) A person who is entitled to written notice under LC 14.060; or

(bb) Any person who is adversely affected or aggrieved by the application; or

(ii) For other decisions, any party may appeal.

**(b) Time for Filing.** A notice of appeal in accordance with subsection (1)(c) below must be filed with the Director prior to the end of business on the 12<sup>th</sup> day after the date the notice of decision is mailed.

**(c) Content of Notice of Appeal.** A notice of appeal must:

(i) Be submitted in writing on a form provided by the Director;

(ii) Be received by the Director within the appeal period;

(iii) Be accompanied by the required filing fee in all circumstances except as provided in subsection (3)(a)(iii) or (4)(c)(iv) below;

(iv) Identify the decision being appealed, including the date of the decision and the department file number for the decision;

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- (v) Include a statement demonstrating the person filing the notice of appeal is a party, if required by subsection (1)(a) above;
- (vi) Include a statement explaining the specific issues being raised on appeal with sufficient specificity to afford the approval authority the opportunity to resolve each issue raised;
- (vii) Provide an explanation with detailed support specifying one or more of the following as assignments of error or reasons for reconsideration;
  - (aa) The Director or Hearings Official exceeded their jurisdiction;
  - (bb) The Director or Hearings Official failed to follow the procedure applicable to the matter;
  - (cc) The Director or Hearings Official rendered a decision that is unconstitutional;
  - (dd) The Director or Hearings Official misinterpreted the Lane Code or Lane Manual, state law or federal law, or other applicable standards and criteria; or
  - (ee) Reconsideration of the decision is requested in order to submit additional evidence not available in the record at the hearing and addressing compliance with relevant standards and criteria.
- (viii) A notice of appeal of a Type III decision must also include the following:
  - (aa) Statement indicating whether the issue raised in the appeal to the Board was raised before the close of the record and whether the appellant wishes the application to be approved, denied, or conditionally approved. Unless otherwise allowed by LC 14.080(4)(c)(ii), (c)(iii), (d)(vii)(bb), or (d)(vii)(cc), an appeal of a Type III decision must be limited to issues raised in the below proceeding before the close of the record.
  - (bb) A written request that the Board conduct an on-the-record hearing or that the Board not conduct an on the record hearing on the appeal and deem the Hearings Official decision the final decision of the County pursuant to LC 14.080(4)(d).

**(2) Director Review of Appeal.** Within two days of receiving any appeal, the Director must review the appeal to determine if it was received within the 12 day appeal period and if it satisfies all of the requirements of LC 14.080(1) above. The Director will either accept or reject the appeal as follows:

- (a) Appeal Acceptance.** If an appeal is timely and satisfies all the requirements of LC 14.080(1), the Director must accept and process the appeal.
- (b) Appeal Rejection.**

The Director must reject an appeal and mail notice to the appellant that it was rejected if:

- (i) The appeal requirements of LC 14.080(1) are not satisfied.
  - (ii) If the appeal is made within the appeal period, but does not satisfy the requirements of LC 14.080(1), the Director may reject the appeal and mail to the appellant a written statement identifying the deficiencies of the appeal.
  - (iii) The appellant may correct the deficiencies and re-submit the appeal if the resubmission is received by the Director within the 12-day appeal period. Failure to correct the deficiencies within the original appeal period will waive the right to appeal.
  - (iv) Appeals not rejected by the Director within two days of receipt will be deemed accepted.
- (c) The Director must mail notice of acceptance of an appeal of a Type II or III decision within two days of appeal acceptance to the applicant, applicant's representative, and if different than the applicant, the appellant. The notice must state the tentative hearing date for the appeal and the requirements of this chapter for submission of written materials prior to the hearing.
- (d) Within two days of accepting an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official for reconsideration.
- (e) The Hearings Official or Board may, after acceptance by the Director, dismiss the appeal, or make other appropriate disposition, as a result of the failure of the appeal to comply with subsection (1)(c) above.

### (3) Appeal Process for a Type II Decision

- (a) **Reconsideration.** Within two days of acceptance of an appeal of a Type II decision, the Director may affirm, modify, or reverse the decision in compliance with the following:
- (i) **Affirmation.** To affirm the decision, no action by the Director is necessary.
  - (ii) **Modification or Reversal.** To modify or reverse the decision, the Director must conclude that the final County decision on the application can be made within the applicable limits at LC 14.050(2), prepare a written modification or reversal of the decision, together with supporting findings, and mail notice of decision in accordance with LC 14.060 above. Notice of a modification or reversal of the decision should be mailed within two days of the Director's decision and provide for a new 12-day appeal period.
  - (iii) If the Director elects to reconsider the decision without request by the appellant, the appellant will not be required to pay a fee for a subsequent appeal of the Director's reconsidered decision.
- (b) **De Novo Hearing.** Appeal of a Type II decision made by the Director will result in a de novo hearing before the Hearings Official. A hearing on an appeal of Type II decision will follow the same procedure used for a hearing on a Type III review in accordance with the applicable procedures at LC 14.070 with notice in accordance with the Type III

hearing notice requirements of LC 14.060. The Hearings Official's review will not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type II Decision. The Hearings Official's review may include consideration of additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue submitted or raised during the open record period.

- (c) **Appeal of Hearings Official Decision.** Appeals of decisions made by the Hearings Official on an appeal of a Type II decision will be processed in accordance with the Type III appeal procedures in subsection (4) below.

#### (4) **Appeal Process for a Type III Decision**

- (a) Within two days of acceptance of an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official. The Hearings Official will have full discretion to affirm, modify, or reverse the initial decision and to supplement findings as the Hearings Official deems necessary. When affirming, modifying, or reversing the initial decision, the Hearings Official must comply with (4)(b) affirmation or (4)(c) reconsideration procedures below.
- (b) **Affirmation.** Within seven days of acceptance of the appeal by the Director, if the Hearings Official wishes to affirm the decision without further consideration, the Hearings Official must provide a written decision to this effect to the Director. The Director must mail written notice of the Hearings Official's decision to affirm the original decision to the appellant and other parties of record.
- (c) **Reconsideration.** If the Hearings Official wishes to reconsider the decision, the Hearings Official must conclude that a final decision can be made by the County within the applicable time limits at LC 14.050(2). If the reconsideration will cause the final decision to not be made within the applicable time limits at LC 14.050(2), the Hearing Official cannot reconsider the decision. Reconsideration must comply with subsection (4)(c)(i), (ii), or (iii) below.
  - (i) **On the Record.** If the reconsideration is limited to the existing record, then within seven days of the Director's acceptance of the appeal, the Hearings Official must prepare a reconsideration decision and supplemental findings and provide the reconsidered decision to the Director. Within two days of the decision, the Director must mail the reconsidered decision in conformance with the notice of decision requirements at LC 14.060.
  - (ii) **Brief of Additional Issues.** If the reconsideration is not limited to the existing record, and if the Hearings Official wishes to allow written materials to be submitted briefing limited issues, then the Hearings Official must:
    - (aa) Within seven days of acceptance of the appeal by the Director, request that the Director mail notice to any person who qualifies as a party to the decision under reconsideration. The notice must disclose the limited issues to be addressed for the reconsideration and timelines for submittal of new materials and rebuttal by the applicant; and

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(4)(d)(ii) must conclude that a final decision by the Board can be made within the applicable time limit and that the issue raised in the appeal to the Board could have been and was raised before the close of the record at or following the final evidentiary hearing. The Board's decision to hear the appeal must be based on a determination that the appeal meets one or more of the following criteria:

- (aa) The issue is of countywide significance;
  - (bb) The issue will reoccur with frequency and there is a need for policy guidance;
  - (cc) The issue involves impacts to an inventoried Goal 5 resource; or
  - (dd) The Director or Hearings Official recommends review.
- (iv) **Record of the Hearing.** In their determination pursuant to subsection (4)(d)(ii) above, the Board will consider only those materials contained in the hearing record as provided in LC 14.070(20), except that in this context, the Hearings Official is the hearing authority.
- (v) **Board Order.** After the determination made under subsection (4)(d)(ii) above, the Board must adopt a written decision and order electing to conduct a hearing on the record or declining to further review the appeal. The Board order must specify the decision of the Board and must include findings addressing the criteria at subsection (4)(d)(iii). If the Board's decision is to have a hearing on the record for the appeal, the Board order must specify the date for the on the record hearing, the parties who qualify to participate in the on the record hearing, and whether the Board finds that an opportunity for limited additional testimony based on subsection (4)(d)(vii)(bb) is warranted and will be provided.
- (vi) **Elect to Not Hear Order.** If the decision of the Board is to not hear the appeal, the Board order adopted by the Board per (4)(d)(v) above must state whether or not the Board has elected to ratify and affirm the decision of the Hearings Official and any interpretations therein. The Board order must incorporate the decision of the Hearings Official by reference and as an exhibit.
- (vii) **Hearing Procedures for On the Record Hearings.** If the decision of the Board is to allow limited additional testimony or conduct an on the record hearing, the appeal proceedings must be conducted according to the following procedures and LC 14.070 as applicable. These procedures are in addition to or apply in place of other hearing procedures in LC 14.070 where these procedures are duplicative of or conflict with those procedures.
- (aa) **Review on the Record.** Evidence considered by the Board must be confined to the record of the proceeding before the previous approval authority except as provided in subsection (bb) and (cc) below.
  - (bb) **Limited Additional Testimony.** The Board may admit additional testimony and other evidence without holding a de novo hearing, if the approval authority is satisfied that the testimony or other evidence could not have been presented before close of the record on prior hearing proceedings. In

deciding whether to admit additional testimony or evidence, the approval authority will consider:

- (A) Prejudice to parties;
  - (B) Convenience or availability of evidence at the time of the prior hearing proceedings;
  - (C) Impact to opposing parties;
  - (D) When notice was given to other parties of the intended attempt to admit the new evidence prior to the close of the record;
  - (E) The competency, relevancy, and materiality of the proposed testimony or other evidence; and
  - (F) Whether the matter should be remanded to the approval authority for a de novo hearing under subsection (cc) below.
- (cc) **De Novo Hearing/Remand.** The Board may elect to hold a de novo hearing or remand the appeal for a supplemental de novo hearing before the approval authority that held the previous hearing if it decides that the volume of new information offered by a party proceeding under subsection (bb) above would:
- (A) Interfere with the approval authority's agenda;
  - (B) Prejudice parties; or
  - (C) If the approval authority determines that the wrong legal criteria were applied by the previous approval authority.
- (dd) On remand pursuant to subsection (cc), the previous approval authority must apply the applicable hearing conduct procedures of LC 14.070. If an appeal is desired from the previous approval authority's decision on remand, the procedures of LC 14.080 apply. In the event that a de novo hearing or remand is requested by the applicant, the applicant must first agree to an extension of any applicable timelines in which the County must process the application, and such extension must be in addition to any other extensions of applicable application processing timelines already requested by the applicant, subject to LC 14.050(2).
- (ee) **Notice of an On the Record Hearing.** Notice of an on the record hearing will be mailed, and as required, posted and published, in accordance with LC 14.060 at least 10 days in advance of the hearing.
- (ff) **Written Material.** Unless otherwise specified by the Board, all written materials exceeding two pages in length to be submitted for consideration at an on the record hearing if permitted under subsection (bb) above must be submitted to and received by the Director at least five days in advance of the hearing. Upon request, the application file containing these materials must

be made available to the public by the Director. The approval authority may allow written materials to be submitted and received after this five day deadline if:

- (A) The written materials are limited to those solely responsive to the written materials submitted at least five days in advance of the on the record hearing;
- (B) The responsive, written materials could not have been reasonably prepared and submitted at least five days in advance of the on the record review hearing; and
- (C) Copies of the written materials have been provided to all parties to the on the record hearing.

**(gg) On the Record Hearing Participation.** The only people who may participate in a Board on the record hearing are:

- (A) The Director;
- (B) The applicant and the applicant's representative;
- (C) The appellant and the appellant's representative; and
- (D) Another party of record may provide limited additional testimony, but only in accordance with subsection (cc) above.

**(hh) Order of Proceeding.** In the conduct of an on the record hearing the following order of proceeding will be followed:

- (A) The Director will present the staff report;
- (B) The appellant will be heard first;
- (C) The applicant, if different from the appellant will be heard next;
- (D) The appellant will be allowed to rebut;
- (E) Conclude the hearing.

**(viii) On the Record Hearing Order.** Upon the adoption of findings on the on the record hearing, the Board must adopt a written decision and order affirming, reversing, or modifying the decision of the Hearings Official. If the decision of the Board is to affirm the decision of the Hearings Official, the Board order adopted by the Board per (4)(d)(v) above must state whether or not the Board has elected to ratify and affirm the decision of the Hearings Official and any interpretations therein, and the Board order will incorporate the decision of the Hearings Official by reference and attachment.

**(ix) Effective Date.** If the Board elects to not conduct an on the record hearing on an

appeal, the Hearing Official's decision will become the final decision of the County. A decision on any application appealed to the Board will become final upon signing of an order by the Board to not hear the appeal or order by the Board specifying the decision of an on the record hearing. The Director will mail notice of the Board order to parties of record upon receipt of the signed order. The notice of Board order will state that any appeal of the Board decision can be appealed to LUBA in accordance with ORS 197.

- (5) **Appeals of Final County Decision.** Appeal of a final County decision made under this chapter must be filed with Land Use Board of Appeals in accordance with ORS 197. If a decision is appealed beyond the jurisdiction of the County, the approval period does not begin until review before the Land Use Board of Appeals and/or the appellate courts have been completed, including any remand proceedings.

#### 14.090 Limitations on Approved and Denied Applications

- (1) An application reviewed in accordance with the provisions of this chapter is subject to the limitations at subsection (1) through (9) below.
- (2) The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The Director's failure to notify the applicant of any requirement or procedure of another agency will not invalidate a decision made under this chapter.
- (3) **Vesting of Approval.** Approval of an application for which all rights of appeal have been exhausted cannot be invalidated or modified by subsequent revisions of Lane Code, unless specifically provided for otherwise in Lane Code or the conditions of approval.
- (4) **Compliance with Conditions of Approval.** Compliance with conditions of approval and adherence to approved plans is required. Any departure from the conditions of approval and approved plans constitutes a violation of the applicable sections of Lane Code and may constitute grounds for revocation or suspension of the approval unless a modification of approval is approved as provided in subsection (5) below.
- (5) **Modification of Approval.** An application for modification of approval must comply with the subsection (5)(a) through (c) below.
- (a) An application for modification of approval must:
- (i) Be in writing on a form provided by the Director;
  - (ii) Include the required application fee;
  - (iii) Be received by the Director prior to the expiration of the approval time period to complete any conditions of approval of the decision for which modification is requested, where calculation of the expiration date includes any time extension approved in accordance with subsection (7) below;
  - (iv) Identify and address any standards or criteria that the original approval addressed; and

(v) Address compliance of the requested modifications with any applicable standards or criteria.

(b) The applicable standards and criteria for the final decision have not changed; and

(c) A decision on a modification of approval must be made by the same approval authority as the original final decision unless the original decision allows modification by a different approval authority.

**(6) Expiration of Approvals**

(a) A permit for a discretionary approval is valid for two years from the date of the final decision, unless otherwise specified in the approval or by other provisions of Lane Code, and except as provided for in subsection (7) below.

(b) A permit for a discretionary approval of residential development on agricultural or forest zoned land is valid for four years, unless otherwise specified in the approval of an application or by another provision of Lane Code, and except as provided in subsection (7) below. For the purpose of this section “residential development” only includes the dwellings provided for under ORS 215.213(3) and (4), 215.284, 215.705(1) to (3), 215.720, 215.740, 215.750, and 215.755(1) and (3) as implemented through Lane Code Chapter 16.

(c) A land division decision is valid subject to Lane Code Chapter 13 except as provided in subsection (7) below.

**(7) Extension of Approval Period.** Unless otherwise specified in the approval or by other provisions of Lane Code the Director may grant an extension subject to the following requirements:

(a) Extensions must be submitted in writing on the form provided by the department;

(b) The application must be accompanied by the required fee;

(c) The request for extension must be submitted prior to the expiration of the approval period;

(d) An initial one year extension period will be granted unless otherwise provided in the decision and except as provided in (7)(e) below;

(e) An initial extension of a permit described in subsection (6)(b) above is valid for two years;

(f) Except as limited below, additional one year extensions, beyond the initial extension, will be authorized by the Director;

(g) Additional one year extensions, beyond the initial extension, will be authorized where applicable criteria for the decision have not changed;

(h) An extension cannot be submitted earlier than six months before the expiration date;

- (i) Approval of an extension granted under this section is a Type I decision, is not a land use decision, and is not subject to appeal as a land use decision.

**(8) Revocation or Suspension of a Decision**

- (a) The Director may suspend or revoke a decision issued in accordance with this chapter for any reason listed in subsection (8)(i) through (iv) below. When taking such action, the Director will notify the owner and/or applicant of the reason for the suspension or revocation and what steps, if any the applicant must take to remedy the reason for the Director's decision.
  - (i) The site has been developed in an manner not authorized by the approval of the application;
  - (ii) The approval has not been complied with;
  - (iii) The conditions of approval have not been completed; or
  - (iv) The approval was secured with false or misleading information.
- (b) The Director's decision to suspend or revoke a decision is appealable to the Hearings Official in the same manner as provided for in LC 14.080 for an appeal of a Type II decision. The appeal period will commence the day the Director mails notice to the owner and/or applicant of the Director's decision to suspend or revoke the decision. The notice must state that the owner and/or applicant has the right to appeal the Director's decision and what the procedure is for the applicant to appeal. If the Director elects to refer the matter to the Hearings Official under subsection (8)(c) below, the Director must include in the notice to the owner and/or applicant that the matter has been referred to the Hearings Official and the steps the owner and/or applicant must take to contest the reasons for the suspension or revocation.
- (c) The Director may initiate a review by the Hearings Official to suspend or revoke the issued decision in lieu of making the decision to suspend or revoke the decision. Hearings Official review will follow the procedure for processing of appeals of a Type II decision, and the Hearings Official may suspend or revoke a decision for one or more of the reasons specified in subsection (8)(a) above. A Hearings Official's decision to suspend or revoke a decision is appealable to the Board in the same manner as provided for in LC 14.080 for appeals to the Board.
- (d) If the reason for the suspension or revocation is remedied before the decision becomes final, by the expiration of the appeal time, or by the date of the hearing official hearing, then the suspension or revocation is void.

- (9) Limitations on Refiling Applications.** Except for a Type I application, an application for which a substantially similar application relating to the same property or tract has been denied within the previous year will not be accepted. At the Director's discretion, an earlier refiling may be allowed if it can be demonstrated that the basis for the original denial has been eliminated.

**14.100 LUBA Remands**

- (1) **Remanded County Decisions.** A County decision remanded by the Land Use Board of Appeals (LUBA) or state appellate court will be processed according to the procedures below. Except for (1)(d)(v), these procedures do not apply to voluntary remands.
- (a) **Remand Request.** To request County processing of the matter on remand, the applicant must submit a completed application on a form provided by the Director and the required filing fee. The completed form and fee must be received by the Director within the time frames at subsection (1)(d) below for the County to commence review.
  - (b) **Hearing.** For remands that require a remand hearing, or for which the County opts to conduct a hearing, the following requirements apply:
    - (i) For Type IV decisions and Type II and III decisions for which the Board conducted an on-the-record hearing, the Board will conduct the remand hearing to review and address issues raised in the final LUBA order.
    - (ii) For Type II and III decisions for which the Board did not conduct an on-the-record hearing, the Hearings Official will conduct the remand hearing and make a recommendation to the Board. The Board must hold a public hearing and issue a final decision on the application, leave the Hearings Official decision as the final County decision, or adopt the Hearings Official decision by consent order as the final decision of the County.
    - (iii) A LUBA remand hearing will be conducted in accordance with LC 14.070 except that where the procedures of this subsection are duplicative of or conflict with those procedures, the procedures of this subsection will apply.
    - (iv) The Board and Hearings Official may only consider issues identified in the LUBA order as the basis for the remand.
  - (c) **Notice.** The Director must mail notice at least 10 days prior to the hearing in accordance with LC 14.060(2)(c).
  - (d) **Time Limit.** For a permit, limited land use decision, or zone change, final action on a LUBA remand must occur within the timelines set forth below:
    - (i) The County must take final action within 120 days of the date the applicant submits a request pursuant to LC 14.100(1)(a). If the County does not receive the request within 180 days of the effective date of the LUBA final order or the final resolution of the judicial review, the application is deemed terminated on the 181<sup>st</sup> day. For purposes of this subsection, the effective date of the LUBA final order is the last day for filing a petition for judicial review under ORS 197.850(3).
    - (ii) The 120-day period established under subsection (1)(d)(i) of this section may be extended for up to an additional 365 days if the parties enter into mediation as provided by ORS 197.860 prior to the expiration of the initial 120-day period. The application is deemed terminated if the matter is not resolved through mediation prior to the expiration of the 365-day extension.
    - (iii) The 120-day period established under subsection (1)(d)(i) of this section applies

only to decisions wholly within the authority and control of the governing body of the County.

- (iv) Subsection (1)(d)(i) of this section does not apply to a remand proceeding concerning a decision making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.
- (v) If the County withdraws a decision for the purposes of reconsideration under ORS 197.830(13)(b) by filing a notice of withdrawal with LUBA, it must file a copy of its decision on reconsideration with LUBA within 90 days after the filing of the notice of withdrawal or within such other time as LUBA may allow.

**(e) Appeal and Effective Date of Decision.**

- (i) Notice of the Board or Hearings Official decision on remand will be as provided by LC 14.060.
- (ii) A Hearings Official decision on remand may be appealed to the Board within 12 days of mailing of the notice of remand decision. A notice of appeal of the Hearings Official's decision must be filed with the Director prior to the end of business on the 12<sup>th</sup> day after the date the notice of decision is mailed. Appeal of the Hearings Official remand decision will be heard by the Board according to the procedures at LC 14.100(1)(b).
- (iii) Appeal of a Board remand decision is governed by ORS Chapter 197.



#### **16.004 Scope and Compliance.**

(1) A tract of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy or otherwise, only as this chapter permits.

(2) In addition to complying with the criteria and other provisions within this chapter, each development shall comply with the applicable standards adopted and published by the Director.

(3) The requirements of this chapter apply to the person undertaking a development or the user of a development and to the person's or user's successors in interest.

(4) Prior to the zoning or rezoning of land under this chapter, which will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential equivalent water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).

(5) Prior to the zoning or rezoning of land under this chapter, for lands situated within the designated community areas listed below, an affirmative conclusion stating the reasoning and facts relied upon, must be made that densities allowed by the proposed rezoning are low enough to provide reasonable assurance that any existing sewage problems will not be further aggravated by development of the subject property:

- (a) Cheshire.
- (b) Elmira.
- (c) Goshen.
- (d) Heceta.
- (e) Mapleton.
- (f) Marcola.
- (g) Vaughn. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

#### **16.005 Use of a Development.**

(1) A Development May Be Used Only For a Lawful Use. A lawful use is a use that is not prohibited by law or which is nonconforming pursuant to LC 16.251 below of this chapter.

(2) Grading, Excavation and Clearing. Grading and clearing by mechanical equipment for either road and/or development purposes may be restricted or regulated by the Approval Authority either at the time of approval of a development permit or of an application if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose.

(3) Conditions. The following conditions may be imposed at the time of approval of a development for which a permit or application is required and for which a finding has been made as required in LC 16.005(2) above in order to ensure site and area stability:

- (a) Maintain vegetation and eliminate widespread destruction of vegetation.
- (b) Carefully design new roads and buildings with respect to:
  - (i) Placement of roads and structures on the surface topography.
  - (ii) Surface drainage on and around the site.
  - (iii) Drainage from buildings and road surfaces.
  - (iv) Placement of septic tank disposal fields.
- (c) Careful construction of roads and buildings:

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- (i) Avoid cutting toeslopes of slump blocks.
- (ii) Careful grading around the site, especially avoiding oversteepened cut banks.
- (iii) Revegetating disturbed areas as soon as possible.
- (d) Certification by a geologist or engineer that the above conditions have been complied with and/or that a hazard does not exist.

(4) Sensitive Bird Habitat Protection Standards and Criteria. All uses or activities permitted or conditionally permitted within the zones identified in LC 16.005(4)(a) below shall be subject to the additional procedures and requirements in LC 16.005(4)(b)-(g) below, provided such uses are located on property identified as a sensitive bird habitat area via Rural Comprehensive Plan Flora and Fauna Policy 18 and LM 11.400.

(a) Applicable Zones.

| Zone Classification             | Abbreviation | Section No. |
|---------------------------------|--------------|-------------|
| Nonimpacted Forest Lands        | F-1, RCP     | 16.210      |
| Impacted Forest Lands           | F-2, RCP     | 16.211      |
| Exclusive Farm Use              | E-RCP        | 16.212      |
| Natural Resource                | NR-RCP       | 16.213      |
| Marginal Lands                  | ML-RCP       | 16.214      |
| Park and Recreation             | PR-RCP       | 16.215      |
| Sand, Gravel and Rock Products  | SG-RCP       | 16.217      |
| Sand, Gravel and Rock Products  |              |             |
| Combining Processing            | SG-CP-RCP    | 16.218      |
| Public Facility                 | PF-RCP       | 16.219      |
| Limited Commercial              | C-1, RCP     | 16.220      |
| Neighborhood Commercial         | C-2, RCP     | 16.221      |
| Commercial                      | C-3, RCP     | 16.222      |
| Rural Commercial                | C-R, RCP     | 16.223      |
| Limited Industrial              | M-1, RCP     | 16.224      |
| Light Industrial                | M-2, RCP     | 16.225      |
| Heavy Industrial                | M-3, RCP     | 16.226      |
| Inmate Work Camp                | IWC, RCP     | 16.227      |
| Suburban Residential            | RA-RCP       | 16.229      |
| Garden Apartment Residential    | RG-RCP       | 16.230      |
| Rural Residential               | RR-RCP       | 16.231      |
| Destination Resort              | DR-RCP       | 16.232      |
| Clear Lake Watershed Protection | CLWP-RCP     | 16.258      |

(b) Development Plan Submittal. The person proposing the development shall submit plans to the Department which sufficiently identify the location, nature and scope of the proposed use or activity.

(c) Referral. Upon receipt of the plans identified in LC 16.005(4)(b) above, the Department shall refer a copy of the plans to the Oregon Department of Fish and Wildlife (ODFW).

(d) ODFW Review. Upon receipt of the plans identified in LC 16.005(4)(b) above, the ODFW shall review the proposed use of activity and make a determination of whether or not the use or activity would affect a sensitive bird habitat. In making this review and determination, the ODFW shall consult with the affected landowner(s) and appropriate state agencies, and shall address the standards in LC 16.005(4)(d)(i) and (ii) below. The basis for the determination shall be stated in writing, completed within seven working days of receipt, and then submitted to the Department (Lane County).

(i) A sensitive bird habitat will be considered affected by a use or activity if the use or activity is located within 660 feet of an eagle or osprey site or within 300 feet of a heron rookery or pigeon mineral spring.

(ii) A sensitive bird habitat may also be considered affected by a use or activity if the use or activity is located a greater distance than specified in LC 16.005(4)(d)(i) above, considering unique conditions of topography or the individual habits of the bird(s).

(e) No Affects Determined. If the ODFW determines that the sensitive habitat area will not be affected, then the ODFW will give the Department written notice of its determination, and Lane County may proceed with authorization of the use or activity, or with the processing of any other required applications.

(f) Affects Determined and Protection Plan. If the ODFW determines that the sensitive habitat area will be affected, the ODFW shall work with the affected landowner(s) in the development of a site specific habitat protection plan. The plan shall consider the proposed use or activity and its interrelationship to and affects upon nesting trees, perch trees, critical nesting period roosting sites and/or buffers for wind, vision and noise. The plan must contain a statement of reasons, supported by facts, explaining why the sensitive bird habitat would not be adversely affected by the proposed use or activity. The plan shall then be submitted to the Department.

(g) Director Approval. The proposed uses or activities identified in the habitat protection plan shall be reviewed using Type II procedures of LC Chapter 14 and shall be allowed if in conformance with the following approval criteria:

(i) The proposed use or activity would not adversely impact a sensitive wildlife habitat.

(ii) Conditions placed upon the approval of the habitat protection plan would avoid or eliminate any adverse impacts upon a sensitive wildlife habitat. Conditions may include setbacks, limitations upon the time period for the operation of the use or activity and/or prohibition of conflicting uses.

(h) LC 16.005(4)(a)-(g) do not apply to the protection of sensitive bird habitat from forest practices as regulated by the Forest Practices Act and as regulated by the COOPERATIVE AGREEMENT BETWEEN OREGON STATE BOARD OF FORESTRY AND OREGON STATE FISH AND WILDLIFE COMMISSION as adopted by Lane County in Rural Comprehensive Plan Goal 5 Flora and Fauna Policy 17.

(5) Scenic Byway/Tour Route Off-Premise Sign Requirements. New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 16.005(5), below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; facilities not located on the premises on which the sign is located; or activities not conducted on the premises on which the sign is located.

(a) The South Lane Tour Route as specifically identified in Ordinance No. 10-99. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 10-99, 1.15.00; 7-10, 11.26.10)*

#### **16.006 Compliance Required.**

(1) No person shall engage in, or cause to occur, a development which does not comply with the Lane County Land Use and Development Chapter.

(2) A development shall be approved by the Director, or other Approving Authority, according to the provisions of this chapter.

(3) Unless appealed, a decision on any application shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

### 16.090 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, shall be considered as providing ordinary accepted meanings. Where specific terms are not defined relating to marijuana and commercial uses in connection with recreational marijuana as regulated by state law, the definitions contained in Oregon Laws, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), Oregon Liquor Control Commission (OLCC) interpretation(s), and case law interpretations apply directly.

Acceptance. Received by and considered by the Director as sufficiently complete to begin processing according to the application or appeal review procedures of this chapter.

Accepted Farming Practice. A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Accessory. Incidental, appropriate and subordinate to the main use of a tract or structure.

Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

Agriculture. Synonymous with definition of "farm use."

Agricultural Building (1) Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

- (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
- (ii) The raising, harvesting and selling of crops or forest products;
- (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- (iv) Dairying and the sale of dairy products;
- (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

(b) "Agricultural building" does not include:

- (i) A dwelling;
- (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
- (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
- (iv) A structure used by the public; or
- (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

(c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:

- (i) Stabling or training equines; or
- (ii) Riding lessons and training clinics;
- (d) "Equine facility" does not include:
  - (i) A dwelling;
  - (ii) A structure in which more than 10 persons are present at any one time;
  - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or
  - (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

Alter or Alteration. Any change, addition or modification in use construction or occupancy. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.

Amendment, Minor. A change to a preliminary plan, plat or map which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

Amendment, Major. A change to preliminary plan, plat or map which is not a minor amendment.

Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Appearance. Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name or address on a petition.

Approval Authority. A person, or a group of persons, given authority by Lane Code to review and/or make decisions upon certain applications according to the review procedures of Lane Code Chapter 14.

Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.

Aquaculture. The raising, feeding, planting and harvesting of fish, shell fish or waterborne plants and associated facilities necessary for the use.

Area. The surface included within any set of lines which may be further defined in square feet or acres, exclusive of County or local access public street.

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

Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.

Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is located on the same tract as a Winery, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery.

Biofuel. The liquid, gaseous or solid fuels derived from biomass.

Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:

(1) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(2) Wood material from hardwood timber described in ORS 321.267(3);

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS Chapter 459 or 459A;

(6) Yard or wood debris collected as provided under ORS chapter 459 or 459A;

(7) Wastewater solids; or

(8) Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote pentachlorophenol, inorganic arsenic or other inorganic chemical compounds or waste, other than matter described above.

Board. Board of County Commissioners of Lane County.

Boarding of Horses. The boarding of horses for profit shall include the following:

(1) The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and

(2) Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

(a) The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.

(b) The incidental stabling of not more than four horses.

(c) The boarding of horses for friends or guests where no charge is made.

(d) Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Boarding House. A dwelling or part thereof, in which lodging is provided by the owner which equals or exceeds the limitations of a bed and breakfast accommodation.

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.

Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings.

Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

Camp. An area designed for organizational recreation which may include facilities such as; swimming pools, meeting halls and indoor shelters for recreation.

Campground. An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

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.

Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.

Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapter 16, and which is consistent with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies.

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 Recreation. Occurs in offshore 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 off-highway vehicles (OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.

Compost. The controlled biological decomposition of organic material or the product resulting from such a process.

Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.

County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.

Cultured Christmas Trees. Means trees:

- (1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (2) Of a marketable species;
- (3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;



(7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);

(8) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267(3) or 321.824(3); and

(11) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:

(a) Only the crops of the landowner are being processed;

(b) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

(c) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Day. A calendar day, computed consistent with ORS 174.120.

Day Care Nurseries. Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, 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. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

Department. The Lane County Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

(1) The limits of dredging precision which causes "overdepth"; and

(2) The practice, where approved by the Corps of Engineers, of "advanced maintenance" overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

Destroy. To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.

Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.

Disposal site. For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

(1) "Disposal site" does not include:

(A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

(C) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;

(D) A site operated by a dismantler issued a certificate under ORS 822.110; or

(E) A site used for the storage of dredged materials.

Dune. A hill or ridge of sand built up by wind along sandy coasts.

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation. free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.

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, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

Dune, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.

Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, mobile homes and camping vehicles. Where the term, "dwelling," is used in Lane Code Chapter 16, it shall mean a single-family dwelling unless otherwise noted.

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the

occupancy of two families living independently of each other and having housekeeping facilities for each family.

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

Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.

Estuary/Estuarine. A body of water semienclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.

Exploration. Superficial survey measures which do not include active seismic surveys or prospect well drilling.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Family. An individual or two or more persons related by blood or marriage or group of not more than five persons (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.

Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide either full-time or part-time supervision and care for no more than 12 children including the children of the resident-operator(s).

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

(2) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;

(3) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);

(5) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or

(6) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition.

Fill. The placement by humans of sand, gravel, earth, sediment or other material to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (nonfloating) and dredge material can also be considered fill if they: (a) involve the human placement of materials; and (b) create new uplands or raise the elevation of land.

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters from any source.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

Floor, Habitable. A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

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 Operation. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

Forest Uses. Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and

water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Garage, Private Parking. 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 chapter, and which is 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 which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

General Merchandise. Items for human use, including: books and stationary, newspapers and magazines, clothing, furniture, drugs, curios and antiques, plants and flowers, household goods and furnishings, musical instruments and supplies, seeds and garden supplies, sporting goods, jewelry, art objects and supplies, pottery, handicrafts, photographic supplies, optical goods.

Grazing. The use of land for the pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals alone or in conjunction with agricultural pursuits.

Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.

Group Care Home. Any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

Guest House, Servant's Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.

Hearings Official. A person who has been appointed by the Board of County Commissioners to serve at its pleasure and at a salary fixed by it.

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

Historic Structure or Site. Property which had been identified by Lane County in its adopted Rural Comprehensive Plan findings as:

- (1) Historically significant.
- (2) In need of protection in order to preserve its historical significance, and for which the means of protection shall be the application of the Historic Structures or Sites Combining (/H-RCP) Zone.

The above sites are also identified separately in LM 11.300.

Horticultural Specialties. A crop distinguishable from typical commercial crops mentioned in the farm groupings of the EFU zone which are conducive to intensive management techniques.

Hydraulic. Related to the movement or pressure of water.

Hydraulic hazards. 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).

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

Indigenous Vegetation. Plant species not introduced directly or indirectly into a particular area from the outside. Originating or developing or produced naturally in a particular area.

Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

Interdune Area. Low-lying areas between higher sand landforms and which are generally under water during part of the year.

Interior Lot. A lot, other than a corner lot, having frontage on only one street.

Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHHT).

Jetty. A structure extending seaward from the mouth of a river designed to stabilize the river mouth by preventing the build up of material at the river's mouth, and to direct or confine the stream or tidal flow.

Kennel; Commercial. A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Commercial Breeding. A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Noncommercial. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

Lawfully Established Unit of Land.

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or
- (2) Another unit of land:
  - (a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - (b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
  - (c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.

Loading Space. An off street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lot. A unit of land that is created by a subdivision of land.

Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.

Lot Line; Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line; Side. Any lot line which is not a front or rear line.

Lot of Record. A legal lot which meets all of the lot of record standards specified in ORS Chapter 215 (Sections 9 to 13, Chapter 884, Oregon Laws) and is entitled to a dwelling or mobile home irrespective of land use regulations.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Low Intensity. An activity or use conducted at a level that does not require developed facilities and can be accommodated without change to an area or resource.

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.

Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code.

Map, Partition. A final diagram and other documentation relating to a major or minor partition.

Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300. (OAR 845-025-1015(24))

Marijuana processing. A use where a marijuana processor processes marijuana.

a) For the purpose of this definition the term “marijuana processor” means a person who processes marijuana items in the State of Oregon. (OAR 845-025-1015(28)).

b) For the purpose of this definition the term “processes” means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts. (OAR 845-025-1015(39)).

c) In accordance with ORS 215.213(1)(u), a facility for processing farm crops may be allowed in an Exclusive Farm Use (EFU) zone as part of the marijuana production use:

i. If the processing facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility

ii. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.

iii. A processing facility or establishment must comply with all applicable siting standards.

Marijuana production.

a) A use where a marijuana producer, produces marijuana. This use is considered a farm use, as that term is defined in ORS 215.203. Additionally, the mature marijuana is considered a crop and farm product as it related to the terms “farm”, and “farming practice”, as those terms are applied in ORS 30.930.

b) Drying and storage of marijuana by a marijuana producer is considered “preparation” of a farm product and is included as part of the definition of farm use in OAR 660-033-0020(7)(b)(A).

c) “Preparation” of a farm product also includes cleaning, treatment, sorting, or packaging.

d) Wholesale distribution of a farm crop is allowed as part of a farm use, as defined in ORS 215.203(2)(a) as “disposal by marketing or otherwise of the products...”.

e) For the purpose of this definition the term “produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42))

i. The definition of “produces” does not include:

1. Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.

2. The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

f) For the purpose of this definition the term “marijuana producer” means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))



Marijuana research. A use that includes those activities specified in an OLCC approved research proposal that are conducted by qualified public or private researchers that are in possession of a valid OLCC Marijuana Research Certificate pursuant to ORS 845-025-5300.

Marijuana retail sales. A use where marijuana is bought and sold by a marijuana retailer.

a) For the purpose of this definition the term “marijuana retailer” means a person who sells marijuana items to a consumer in the State of Oregon. (OAR 845-025-1015(30))

Marijuana testing laboratory. A use that includes the testing of marijuana in a laboratory certified by the authority under ORS 438.605 to 438.620 and for the purposes specified within OAR 845-025.

Marijuana wholesale distribution. A use where marijuana is bought and sold by a marijuana wholesaler. This use includes packaging and labeling.

a) For the purpose of this definition the term “marijuana wholesaler” means a person who purchases marijuana items in the State of Oregon for resale to a person other than a consumer. (OAR 845-025-1015(31))

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

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 nonsurface 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. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); the creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological 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 and was constructed before January 1, 1962; or a mobile house, a 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 and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a 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 and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

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.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that as defined by "Residential Home".

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.

100 Year Flood. See "Base Flood".

Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

Ordinary Low Water. The low watermark of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers' flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high waterline.

Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing,

tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

Parcel.

- (1) Includes a unit of land created:
  - (a) by partitioning land as defined in LC 16.090,
  - (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
  - (c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
- (2) It does not include a unit of land created solely to establish a separate tax account.

Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

Parking Area, Public. Privately 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 for retail customers, patrons and/or clients as required by this chapter.

Parking Space. A permanently maintained space with proper access for one standard sized automobile.

Partition. Either an act of partitioning land or an area or tract of land partitioned.

Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:

- (1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;
- (3) Dividing land as a result of the recording of a subdivision or condominium plat;
- (4) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board of Commissioners and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure

the faithful performance and completion of all required improvements in a specified period of time.

Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

Personal Services. Laundering, dry cleaning and dyeing; rug cleaning and repair; photographic services; beauty and barber shops; apparel repair and alterations; shoe repair and maintenance; etc.

Planning Commission. The Planning Commission of Lane County, Oregon.

Plat. A final diagram and other documents relating to a subdivision.

Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Primary Processing Facility. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this definition, means timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.

Professional Services. Medical and health services, legal services and other professional services, including those related to: engineering, architecture, education, scientific research, accounting, planning, real estate, etc.

Property Line. "Property line" means the division line between two units of land.

Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

Received. Acquired by or taken into possession by the Director.

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

(1) Low-Intensity Recreation. Activities that do 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.

(2) High-Intensity Recreation. Uses specifically built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, concentrated OHV use, 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, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

Recreational Vehicle Park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

Removal. The act of removing or fact of being removed by a person: i.e., to cut the main stem or trunk of vegetation or to spray the foliage of vegetation which results in the significant loss of growth or health or the death of vegetation; to mechanically or manually disrupt or dislodge the root structure of vegetation resulting in significant loss of growth or health or causing the death of vegetation.

Replacement in Kind. The replacement of a structure of the same size as the original and at the same location on the property as the original.

Residential Care Facility. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Residential Home. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Restoration, Active. Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

Restoration, Estuarine. 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 LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); 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.

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

Restoration, Shorelands. 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 LC 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD; shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

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.

Roadside Stand. A use providing for the retail sale of any agricultural produce where more than one-half of the gross receipts result from the sale of produce grown on the unit of land where the roadside stand is located.

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;
- (2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
- (3) In an unincorporated community.

School. A place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of Education is provided.

Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

- (1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.
- (2) Sewerage Facility, Individual. A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.
- (3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Shelter Home. A certified foster home or a licensed facility contracted with the state Children's Services Division for the purpose of safekeeping of children taken into temporary custody pending investigation and disposition, where the circumstances are such that the children need not be kept in secure custody.

Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.

Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot.

Solid Waste Management. A planned program providing for the collection, storage and disposal of solid waste including, where appropriate, recycling and recovery.

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State Plane Coordinate System. The system of plane coordinates which has been established by the U.S. Coast & Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Oregon.

Structure. Synonymous with the definition of building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Structure or Facility that Provides Water-Dependent Access. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time THAT is needed to facilitate a use allowed by an acknowledged 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 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.

Tidal Marsh. Wetlands from lower high water(LHW) inland to the line of non-aquatic vegetation.

Tract.

(1) A lot or parcel as defined in LC 16.090.

(2) For the purposes of LC 16.211, “Tract” means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage because it is crossed by a public road or waterway.

Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

Urbanizable. Those lands within an urban growth boundary and which are identified and (a) determined to be necessary and suitable for future urban use areas, and (b) can be served by urban services and facilities, and (c) are needed for the expansion of an urban area.

Use. The purpose for which land, submerged or submersible lands, the water surface or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Veterinary Clinic. Synonymous with the definition of “animal hospital.”

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 waterborne transportation, recreation, energy production or source of water.

(1) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); the following definitions apply:

(a) “Access” means physical contact with or use of the water;

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

(c) “Recreation” means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) “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;

(e) “Source of water” means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) “Water-borne transportation” means use of water access:

(i) Which are themselves transportation (e.g., navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.

(2) Typical examples of “water dependent uses” include the following:

(a) Aquaculture.

(b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.



(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); 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.

(e) Industrial. 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.

(f) Recreational. Recreational marinas, boat ramps and support.

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

Water Related Use. 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 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 or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines.

Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided herein.

Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

Yard, Rear. An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16))*

#### **16.095 Compliance With LC Chapter 15, Roads.**

Development subject to the provisions of this chapter shall comply with LC Chapter 15, Roads. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

### **DEVELOPMENTAL APPROVAL PROCEDURES RURAL COMPREHENSIVE PLAN**

#### **16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.**

Lane Code Chapter 14 is the procedure for submittal, acceptance, investigation and review of applications for development of lands under the jurisdiction of the Lane County Rural Comprehensive Plan with these additions:

(1) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 above instead of as specified in LC 14.015.

(2) Ex Parte Contacts. A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC 14.070(5). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 5-02, 8.28.02)*

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PAGES 16-49 THROUGH 16-56  
ARE RESERVED FOR FUTURE EXPANSION

**NONIMPACTED FOREST LANDS ZONE (F-1, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.210 Nonimpacted Forest Lands Zone (F-1, RCP).**

(1) Purpose. The purpose of the Nonimpacted Forest Lands District (F-1, RCP) is:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan, and the forest land policies of the Eugene/Springfield Metro Area General Plan.

(b) To conserve forest land for uses consistent with Statewide Planning Goal 4.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operations.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of the land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use.

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and public fish hatcheries.

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.210(7)(a)(v) and (7)(c)(i)(aa).

(k) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(l) Uses and development accessory to lawfully existing uses and development subject to the following:

(i) 'Same Site' development area is defined as a square with dimensions of 200 square feet which is centered on the footprint of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.210(7)(a)(iv) & (v), (c)(i)(aa), and (c)(iii); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the proposed accessory development is subject to the following discretionary siting standards: LC 16.210(7)(a), (b), (c)(i)(aa), (c)(iii), and (e). This use is allowed subject to prior submittal and approval of a verification of siting standards application pursuant to Type II procedures of LC Chapter 14.

(m) Marijuana production, subject to Lane Code 16.420.

(n) Marijuana wholesale distribution, subject to Lane Code 16.420.

(o) Marijuana research, subject to Lane Code 16.420.

(3) Uses Subject to Director Approval. The following uses may be allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Television, microwave, and radio communication facilities and transmission towers.

- (f) Fire stations for rural fire protection.
- (g) Utility facilities for the purpose of generating five (5) megawatts or less of power.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.
- (l) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- (n) Home occupations, subject to the following conditions and annual review:
  - (i) Will be operated by a resident of the property on which the business is located.
  - (ii) Will employ no more than five full or part-time persons.
  - (iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2) above.
  - (iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.
  - (v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.
  - (vi) Will comply with sanitation and building code requirements.
  - (vii) Will not be used as a justification for a zone change.
  - (viii) Will comply with any additional conditions of approval.
  - (ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.
- (o) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:
  - (i) As used in LC 16.210(3)(o) above, “hardship” means, “a medical hardship or hardship for the care of an aged or infirm person or persons”;
  - (ii) As used in LC 16.210(3)(o) above, “relative of the resident” means, “a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the existing residents”;

law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(j)(iv) above.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(dd) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive six month period;

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iii) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(vi) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(k) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(k)(vi) above within a tract must be separated by at least one-

half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(k)(vi) above.

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(l) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(l)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(l)(iv) above.

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not

resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture following the procedures for notice in LC 14.060 at least 20 days in advance of any administrative decision or initial public hearing on the applications.

(q) Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 and that comply with these requirements:

(i) New uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting operations and facilities allowed on land not defined as high value farmland shall meet the performance and permitting requirements



of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

(iv) LC 16.212(10)(f) through (g) below.

(v) LC16.212(4)(q)(vi) and (vii) below apply only to applications

to:

(aa) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

(bb) Allow an existing disposal site for composting that sells, or offers for sale, resulting product to add or increase the following uses (i-i) and (ii-ii) below:

(i-i) Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or

(ii-ii) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

(vi) Prior to submittal of a special use permit, the Applicant must request and attend a pre-application conference with the county pursuant to the following:

(aa) The applicant must submit a completed pre-application conference application form with the associated fee. The submittal must contain information about the proposed/existing disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(bb) The county shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.

(cc) A representative of the planning department of the county and a representative of the Department of Environmental Quality will attend the conference along with representatives, as determined necessary by the county, of the following entities:

(i-i) Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting.

(ii-ii) A state agency, a local government or a private entity that provides or would provide to the proposed disposal site for composting one or more of the following:

(aaa) Water systems.

(bbb) Wastewater collection and treatment systems, including storm drainage systems.

(ccc) Transportation systems or transit services.

(iii-iii) A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting.

(iv-iv) The Department of Land Conservation and Development.

(vi-vi) The State Department of Agriculture.

(vii) After the pre-application conference and before submittal of a special use permit, the Applicant must hold a pre-application community meeting pursuant to the following standards:

(aa) Hold a community meeting within 60 days after the preapplication conference:

(i-i) In a public location within Lane County; and

(ii-ii) On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6 p.m. and 8 p.m.

(bb) Provide notice of the community meeting to:

(i-i) The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;

(ii-ii) Residents or occupants that receive mail at the mailing address of the real property described in LC 16.212(4)(q)(bb)(i-i) above if the mailing address of the owner of record is not the mailing address of the real property;

(iii-iii) Neighborhood and community organizations recognized by the Board if a boundary of the organization is within one-half mile of the proposed disposal site for composting;

(iv-iv) A newspaper of general circulation for publication;

(v-v) Local media in a press release; and

(vi-vi) The entities described in LC 16.212(4)(q)(iv)(cc) above.

(cc) The applicant's notice provided under LC 16.212(4)(q)(v)(bb) above of this section must include:

(i-i) A brief description of the proposed disposal site for composting;

(ii-ii) The address of the location of the community meeting; and

(iii-iii) The date and time of the community meeting.

(dd) During the community meeting, the applicant must provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(r) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(r)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(r)(iv) above.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995;

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(s) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(s)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(s)(iii) above.

(t) A living history museum that complies with these requirements:

(i) “Living History Museum” means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) “Local historical society” means the local historical society, recognized as such by the Board and organized under ORS Chapter 65;

(iii) LC 16.212(10)(f) through (g) below; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(t) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(t)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(t)(iv) above.

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding; or dog training classes or testing trials that cannot be established under LC 16.212(3)(x) above that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(w)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(w) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) “Gas” means all natural gas and all other fluid hydrocarbons not defined as “oil” in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. “Oil” means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, “mining” includes all or 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. “Mining” does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner 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, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. “Planted vineyard” means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iv) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a public or private school formerly

allowed pursuant to LC 16.212(4)(b-b), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:

- (aa) LC 16.212(10)(f) through (g) below;
- (bb) The public or private school was established on or before January 1, 2009; and
- (cc) The expansion occurs on:
  - (i-i) The tax lot on which the public or private school was established on or before January 1, 2009; or
  - (ii-ii) A tax lot that is contiguous to the tax lot described in LC 16.212(4)(b-b)(iv)(cc)(i-i) above and that was owned by the applicant on January 1, 2009.

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(b-b) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(b-b)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(b-b)(v) above.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

- (i) LC 16.212(10)(f) through (g) below; and
- (ii) New destination resorts are not permitted on high value farm land.

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(c-c)(ii) above, lawfully existing destination resorts described in LC 16.212(4)(c-c) above that are on high value farm land may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(d-d) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

- (i) Uses allowed by LC 16.212(4)(d-d) are not permitted on high value farm land;
- (ii) LC 16.212(10)(f) through (g) below; and
- (iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(e-e) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period, and that complies with these requirements:

- (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
- (ii) The proposed gathering is compatible with existing land uses;
- (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
- (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) Armed forces reserve center that complies with these requirements:

- (i) The center is within one-half mile of the main campus of a community college;
- (ii) An “armed forces reserve center” includes an armory or National Guard support facility; and
- (iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(f-f) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(f-f)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(f-f)(iii) above.

(g-g) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community that comply with these requirements:

- (i) LC 16.212(10)(f) through (g) below; and
- (ii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(g-g) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(g-g)(ii) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(g-g)(ii) above.

(h-h) Golf courses that comply with these requirements:

(i) “Golf Course” means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A “Golf Course” means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. “Non-regulation golf course” means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

(ee) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ff) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Uses allowed by LC 16.212(4)(h-h) above are not allowed on high value farm land as defined in ORS 195.300;

(iv) Notwithstanding LC 16.212(4)(h-h)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(h-h)(i) through (ii) above, but shall not be expanded to contain more than 36 holes; and

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(h-h) above within three miles of an urban growth boundary, unless an exception is approved



pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(h-h)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(h-h)(v) above.

(i-i) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities, which comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) On high value farm land, the power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(i-i) above are allowed subject to compliance with ORS 469.504.

(j-j) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(37).

(k-k) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(38).

(l-l) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural

production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with ORS 215.246 through 215.251.

(m-m) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.

(n-n) A winery that complies with LC 16.212(12)(a)(i), (ii), and (iii) or LC 16.212(12)(b)(i), (ii), and (iii).

(o-o) Agri-tourism and other commercial events or activities that are related to and supportive of agriculture and that comply with these requirements:

(i) Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if in compliance with LC 16.212(4)(o-o)(iii) and (v) below; or

(ii) Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with LC 16.212(4)(o-o)(i) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial events or activities are in compliance with LC 16.212(4)(o-o)(iv) and (v) below.

(iii) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) above shall comply with the following standards:

(aa) Must be incidental and subordinate to existing farm use on the tract; and

(bb) May not, individually, exceed a duration of 72 consecutive hours.

(cc) Limited Use Permits approved under LC 16.212(4)(o-o)(i) shall be valid for two years from the date of the approval.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(i) may be renewed for an additional two years subject to:

(A) An application for renewal; and

(B) Demonstration of compliance with the provisions of LC 16.212(4)(i) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(iv) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(ii) above shall comply with the following standards:

(aa) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(bb) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(cc) Do not exceed 18 events or activities in a calendar year.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) shall be valid for two years from the date of the approval.

(ee) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) may be renewed at four year intervals subject to:

(A) An application for renewal;

(B) Public notice and public comment as part of the review process; and

(C) Demonstration of compliance with the provisions of LC 16.212(4)(ii) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(v) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) and (ii) above shall comply with the following standards:

(aa) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(bb) LC 16.212(10)(f) through (g);

(cc) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and

(dd) Must comply with conditions established for:

(A) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(B) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(C) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(D) Sanitation and solid waste.

(ee) The Approval Authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under LC 16.212(4)(o-o)(i) or (ii). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The Approval Authority may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under LC 16.212(4)(o-o)(i) or (ii), including, but not limited to, grading, filling or paving.

(ff) Event or activities authorized under LC 16.212(4)(o-o) shall not be allowed at a winery which conducts events or uses authorized under LC 16.212(12) below.

(p-p) Marijuana processing, subject to Lane Code 16.420.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below will not be given unless any additional taxes imposed on the change in use have been paid. On January 2, 2024, the provisions in LC 16.212(5)(a) and (b) (adopted to enact HB 2746) will sunset and the previous replacement dwelling provision will be reintroduced unless otherwise acted upon by the legislature (Ordinance No.14-08).

(a) The alteration, restoration, or replacement in the same site of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property; and

(cc) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(ii) The dwelling has:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling must be sited in the same site as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(iv) In the case of replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(v) A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling;

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) The approval described in LC 16.212(5)(a) above is not subject to LC 14.090 and does not expire.

(ix) If a replacement dwelling approval was issued under LC 16.212(5)(a) and expired prior to January 1, 2014, the approval is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is

allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(aa) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(bb) If the value of the dwelling was eliminated from the tax roll as a result of the destruction of the dwelling, provide evidence the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated. Destruction can include by fire, natural hazard, or by a demolition permit.

(cc) If the value of the dwelling was improperly removed from the tax roll by a person other than the current owner, provide evidence. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(ii) The dwelling has or formerly had:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(iv) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, must execute and record in Lane County Deeds and Records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The Applicant must obtain the signature of the Director on the release which states that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(v) If the dwelling formerly had features described in LC 16.212(5)(b)(ii), was removed from the tax roll as described in LC 16.212(5)(b)(i)(bb) or (cc), or has a replacement dwelling permit that expired before January 1, 2014, then the replacement dwelling must comply with the following:

(aa) Be sited on the same lot or parcel; and

(bb) Use all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel as permitted by LC Chapters 15 and 16; and

(cc) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, site dwelling within a concentration or cluster of structures or within 500 yards of another structure.

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) Land use approval of a decision described in LC 16.212(2)(b) above is not subject to LC 14.090 and does not expire.

(ix) If a replacement dwelling decision was issued under LC 16.212(5)(b) and expired prior to January 1, 2014, the decision is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) A relative farm help dwelling. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, and compliance with these requirements:

(i) The dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below;

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite", as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(9)(a); and

(iv) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to in LC 16.212(5)(c) above.

(v) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, and compliance with these requirements:

(i) The manufactured home or recreational vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(ii) The temporary manufactured home or recreational vehicle will comply with Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use, or demolished; and

(vi) A temporary manufactured home or recreational vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above; and

(vii) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to LC 16.212(5)(d) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years;

(ii) Except as permitted in ORS 215.278 for accessory dwellings for farm workers, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(a)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling; or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above; or

(dd) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(6)(b)(ii)(dd) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;



(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(b) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(viii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types,

land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.090(7)(d), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.090(7).

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.090(7)(d), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.090(7).

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$80,000 in gross farm income in the last two years, or three of the last five years or an average in three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iii) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(iv) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(i) above;

(v) In determining the gross income required by LC 16.212(6)(f)(i) and (ii)(aa) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted.

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland. The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years, or three of the last five years or an average of three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted as seasonal farmworker housing under ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

(v) LC 16.212(10)(h) and (i) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

(iii) LC 16.212(10)(f) through (i) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(c) above is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

(ii) The lot or parcel where the dwelling will be located:

(aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;

(bb) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year

in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or

(cc) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and

(iii) LC 16.212(10)(f) through (h) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or

(iii) The accessory farm dwelling will be located on:

(aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above; or

(cc) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(7)(e)(iii)(cc) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years, or three of the

last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(ix) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.090(7)(d), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.090(7); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.060(c);

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.090(7)(d), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.090(7); and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;



(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$32,500 in gross farm income in the last two years, or three of the last five years or an average of three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

| <u>Farm Group</u>                                  | <u>Size</u> |
|--|-------------|
| Cash grains .....                                  | 120 acres   |
| Field crops (includes grass seed production) ..... | 160 acres   |
| Tree fruit and nuts .....                          | 40 acres    |
| Horticultural specialties.....                     | 20 acres    |
| General farm, primarily crop.....                  | 320 acres   |
| Extensive animal grazing .....                     | 120 acres   |
| Intensive animal husbandry.....                    | 40 acres    |
| Dairy farm .....                                   | 240 acres   |
| General farm, primarily livestock .....            | 80 acres    |

Berries and grapes .....20 acres  
Vegetables and melons ..... 120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (n) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25 ..... 25 acres  
E-30 ..... 30 acres  
E-40 ..... 40 acres  
E-60 ..... 60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

Land preparation.  
Ripping and plowing.  
Fencing.  
Surveying.  
Crop cultivation.  
Irrigation.  
Herbicide; fungicide and/or fertilizer application.  
Machinery.  
Accessory farm buildings.  
Breeding and livestock raising concerns.  
Labor.  
Projected expenses associated with the above.  
Date by which the farm management plan would be substantially

implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (q), (r), (s), (u), (v), (b-b), (e-e), (f-f), and (l-l) above.

(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E-RCP) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved under LC 16.212(4)(u) above;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

(i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;

(ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

(m) A division of land may be allowed to create a parcel for the non-farm use identified in LC 16.212(3)(t) above provided:

(i) The parcel is not larger than the minimum size necessary for the use; and

(ii) Any additional tax imposed for the change in use has been paid.

(n) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:

(i) The portion of the parcel within the UGB has been re-designated for urban uses under the applicable acknowledged comprehensive plan; and

(ii) The portion of the parcel that remains outside the UGB is smaller than the minimum parcel size pursuant to LC 16.212(9)(a) above; and

(iii) The parcel must be divided along the UGB boundary line; and

(iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.

(v) If the parcel outside of the UGB does not contain a dwelling, the parcel:

(aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;

(bb) May not be considered in approving a re-designation or re-zoning of forestlands, except to allow a public park, open space or, other natural resource use.

(vi) A landowner allowed a land division under LC 16.212(9)(n) above shall sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.397.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(3)(z)(iii) and (4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(3)(z) and (4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as “Major” shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a) (i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon all other tracts shall be sited as follows:

(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(d) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection

by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Wineries. The purpose of LC 16.212(12) below is to provide for the establishment of a winery on a suitable property within the Exclusive Farm Use Zone.

(a) Facilities producing less than 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use under LC 16.212(12)(a)(i)(aa) or (bb) below, and complies with LC 16.212(12)(c) below:

(aa) The facility produces wine with a maximum annual production of less than 50,000 gallons and:

- (A) Owns an on-site vineyard of at least 15 acres;
- (B) Owns a contiguous vineyard of at least 15 acres;
- (C) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or
- (D) Obtains grapes from any combination of the LC 16.212(12)(a)(i)(aa)(A) through (C) above.

(bb) The facility produces wine with a maximum annual production of at least 50,000 gallons and:

- (A) Owns an on-site vineyard of at least 40 acres;
- (B) Owns a contiguous vineyard of at least 40 acres;
- (C) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery;
- (D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
- (E) Obtains grapes from any combination of the requirements in LC 16.212(12)(a)(i)(bb)(A) through (D) above.

(ii) Permitted Uses. In addition to producing and distributing wine, a winery established under LC 16.212(12)(a)(i) may:

(aa) Market and sell wine produced in conjunction with the winery.

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

- (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;
- (B) Wine club activities;
- (C) Winemaker luncheons and dinners;
- (D) Winery and vineyard tours;
- (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;



(F) Winery staff activities;  
(G) Open house promotions of wine produced in conjunction with the winery;

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. The events on the first 6 days of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year license, subject to administrative review under the standards set forth in 16.212(12)(a)(ii)(dd)(A) below. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by LC 16.212(12)(a)(iii) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the county may impose conditions on a license related to:

- (i-i) The number of event attendees;
- (ii-ii) The hours of event operation;
- (iii-iii) Access and parking;
- (iv-iv) Traffic management;
- (v-v) Noise management; and
- (vi-vi) Sanitation and solid waste

(B) If the Approval Authority issues a license under LC 16.212(12)(a)(ii)(dd) above for agri-tourism or other commercial events, the county shall review the license at least once every five years and, if appropriate, may renew the license.

(C) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized LC 16.212(12)(a)(ii)(bb), (cc), or (dd).

(ff) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in LC 16.212(12)(a)(ii)(cc) above. Food and beverage services authorized under LC 16.212(12)(a)(ii)(ee) above may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(a)(ii)(cc) through (ee) above and 16.212(12)(a)(iii)(aa) below may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income by third parties unaffiliated with the winery.

(hh) At the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(a)(ii)(gg) above for the previous tax year;

(iii) Special Uses – Director Approval:

(aa) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year permit. The 5 year permit may be issued subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and subject to the standards in LC 16.212(12)(a)(iii)(aa)(A) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the Approval Authority may impose conditions on a permit related to:

- (i-i) The number of event attendees;
- (ii-ii) The hours of event operation;
- (iii-iii) Access and parking;
- (iv-iv) Traffic management;
- (v-v) Noise management; and
- (vi-vi) Sanitation and solid waste;

(B) If the Approval Authority issues a permit under LC 16.212(12)(a)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(C) Complies with requirements of LC 16.212(12)(a)(ii)(gg) and (hh) and 16.212(12)(c) below.

(bb) Notwithstanding LC 16.212(12)(c)(ii)(bb) below, a setback of less than 100 feet may be permitted at the Approval Authority's discretion provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is requested and approved through an application pursuant to Type II procedures of LC Chapter 14.

(b) Facilities producing at least 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use if it has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this LC 16.212(12)(b) and complies with the standards of LC 16.212(12)(c) below; and

(aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and

(bb) Owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(12)(b)(i)(aa) above;

(ii) Permitted Uses. In addition to producing and distributing wine, a winery described in subsection (b) of this section may:

(aa) Market and sell wine produced in conjunction with the winery;

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;  
(D) Winery and vineyard tours;  
(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;  
(F) Winery staff activities;  
(G) Open house promotions of wine produced in conjunction with the winery;  
(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site;  
and

(C) Are limited to 25 days or fewer in a calendar year;  
and

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by LC 16.212(12)(b)(ii)(bb), (cc), or (dd).

(ff) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery is limited to operating a restaurant that is open to the public for no more than 25 days in a calendar year. Except under LC 16.212(12)(b)(iii)(aa) below. A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(12)(b)(i) above.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(b)(ii)(cc) and (dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(hh) At the request of Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(b)(ii)(ff) above for the previous tax year.

(iii) Special Uses – Director Approval:

(aa) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism and other commercial events occurring on more than 25 days in a calendar year must demonstrate that the restaurant or agri-tourism and other commercial events comply with the following standards:

(A) LC 16.212(10)(f) and (g) below;

(B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(C) Does not materially alter the stability of the land use pattern in the area.

(D) Application is submitted and approved pursuant to Type II procedures of LC Chapter 14.

(E) If the Approval Authority issues a permit under LC 16.212(12)(b)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority will review the permit at least once every five years and, if appropriate, may renew the permit;

(F) Complies with requirements of LC 16.212(12)(c) below.

(bb) Sales or delivery of items or providing services not described in LC 16.212(12)(b)(ii)(bb) or (cc) or (gg) above may be authorized under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above.

(cc) The Approval Authority may issue a permit for a winery operating under LC 16.212(12)(b) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(12)(b) in similar circumstances before August 2, 2011.

(c) Additional Requirements:

(i) Prior to the establishment of a winery under LC 16.212(12)(a) or (b) above, the applicant must show that vineyards described in LC 16.212(12)(a)(i) or (12)(b)(i) above have been planted or that the contract has been executed, as applicable.

(ii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above must demonstrate compliance with the following standards:

(aa) The winery provides parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places must be setback at least 100 feet from all property lines;

(cc) The winery must provide for direct road access and internal circulation.

(iii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above shall comply with:

(aa) The applicable requirements of LC Chapter 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;

(bb) Regulations of general applicability for the public health and safety; and

(cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(iv) Wineries that conduct agri-tourism or other commercial events under LC 16.212(4)(o-o) may not conduct agri-tourism or other commercial events or activities authorized by LC 16.212(12).

(v) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that existed on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(12)(a)(ii)(gg) or LC 16.212(12)(b)(ii)(gg) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(vi) A use or structure in an area zoned for exclusive farm use that exists on June 28, 2011 may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use or structure is located on the same tract as a winery established

under LC 16.212(3)(g) that produced more than 250,000 gallons of wine in calendar year 2010. This does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(vii) A winery established under LC 16.212(12) that produced more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a permit under LC 16.212(4)(c). However, the winery must comply with all provisions of LC 16.212(12)(a)(i) and (b)(i) except the annual production requirements.

(viii) When a Bed and Breakfast Accommodation Home Occupation facility is located on the same tract as a winery approved under LC 16.212(12) the facility may prepare and serve 2 meals per day to the registered guests. These meals may be served at the bed and breakfast facility or at the winery.

(ix) The Approval Authority may authorize the siting of a winery, on land used Exclusive Farm Use, pursuant to the standards that apply to a commercial activity in conjunction with farm use under LC 16.212(4)(c) if the winery does not qualify for siting under LC 16.212(12) above or seeks to carry out uses or activities that are not authorized LC 16.212(12)(a) or (b) above.

(aa) If the Approval Authority authorizes the establishment of a winery under LC 16.212(4)(c), the gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery.

(x) As used in this section:

(aa) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

(bb) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

*(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10, 7-10, 11.25.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12.16.14; 15-08, 12.15.15; 16-01, 2.15.16)*

**NATURAL RESOURCE ZONE (NR-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.213 Natural Resource Zone (NR-RCP).**

(1) Purpose. The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

- (a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;
- (b) Watersheds and their streams or lakes are used for domestic water supplies;
- (c) Vegetative cover is essential to maintain soil stability and prevent erosion;
- (d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and
- (e) Scenic quality or vistas or open space is unique and/or irreplaceable.

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

- (a) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.
  - (i) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.
  - (ii) Picnicking areas, day parks and playgrounds.
  - (iii) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State and Local fish and game regulations) and hiking and horseback riding.
- (b) Fish and wildlife habitat management and the propagation of fish and wildlife.
- (c) The following transportation facilities and uses, provided no filling or dredging is required:
  - (i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
  - (ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses - Director Approval. The following uses are subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14:

(a) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker or operator in conjunction with use permitted in the district.

(4) Special Uses - Hearings Official Approval. The following uses are subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14:

- (a) Piers and boat houses.
- (b) Single family dwelling or mobile home and accessory structures.
- (c) Farm uses as defined by ORS 215.203(2), and any accessory uses.
- (d) Forest uses and any accessory uses.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.213(4) above are subject to compliance with the following criteria:

(a) (i) Evidence is provided supporting reasons why the proposed use should be sited in a natural resource area.

(ii) That the proposed site is on land generally unsuitable for natural resource uses.

(b) That the proposed use will not significantly impact natural resource uses on adjacent and nearby natural resource lands, and will not significantly impact natural resources on the site of the proposed uses;

(c) That the proposed use will not significantly increase the costs of natural resource management on adjacent and nearby natural resource lands.

(d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;

(e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby NR zoned lands, and these measures may be established as conditions of approval; and

(f) That the proposed use is consistent with the policies contained in the Rural Comprehensive Plan and the purpose of the NR zone.

(6) Property Development Standards. All uses or activities permitted or conditionally permitted above, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from a wetland or from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within wetlands or within the riparian setback area designated for riparian vegetation protection by the rural comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable. *(Revised by Ordinance No. 7-87; Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10)*

**MARGINAL LANDS ZONE (ML-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.214 Marginal Lands Zone (ML-RCP).**

- (1) Purpose. The Marginal Lands Zone (ML-RCP) is intended to:
  - (a) Provide an alternative to more restrictive farm and forest zoning.
  - (b) Provide opportunities for persons to live in a rural environment and to conduct intensive or part-time farm or forest operations.
  - (c) Be applied to specific properties consistently with the requirements of ORS 197.005 to 197.430 and the policies of the Lane County Rural Comprehensive Plan.
- (2) Permitted Uses. The following uses are permitted subject to the general provisions and exceptions specified by this Chapter of Lane Code:
  - (a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.
  - (b) A dwelling or mobile home on a vacant legal lot created pursuant to the requirements of LC 16.214(6) below.
  - (c) One mobile home in conjunction with an existing dwelling or mobile home on the same legal lot as the existing dwelling or mobile home as a temporary use for the term of a hardship suffered by the existing resident or a relative of the existing resident subject to compliance with the following conditions:
    - (i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.
    - (ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.
    - (iii) Satisfactory evidence of the family member's hardship is furnished which shall include:
      - (aa) A written statement, on a form provided by the Department, from the family member's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.
      - (bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.
    - (iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home.
    - (v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.
    - (vi) The temporary mobile home will comply with sanitation and building code requirements.
    - (vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.
  - (d) Part-time farms.
  - (e) Woodlots.
  - (f) Intensive farm or forest operations, including, but not limited to, farm use.
  - (g) Nonresidential buildings customarily provided in conjunction with farm use.



(h) Public or private schools, including all buildings essential to the operation of a school.

(i) Churches.

(j) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for use by public sale.

(k) Operations for the exploration of geothermal resources as defined by ORS 522.005.

(l) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment and facilities or buildings necessary for its operation.

(m) The propagation or harvesting of a forest product.

(n) Community centers owned and operated by a governmental agency or a nonprofit organization, hunting and fishing preserves, parks, playgrounds and publicly owned campgrounds.

(o) Personal-use airport for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and compliance with the criteria and provisions of this Chapter of Lane Code.

(a) Privately owned campgrounds.

(b) Golf courses.

(c) Commercial utility facilities for the purpose of generating power for public use by sale.

(d) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.214(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.214(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the

Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(f) The boarding of horses for profit.

(g) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.

(h) Commercial activities that are in conjunction with farm use including the commercial processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use or pursuant to LC 16.214(3)(j) below.

(i) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(j) A facility for the primary processing of farm crops, or the production of biofuel as defined in LC 16.090 that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(iii) A processing facility shall comply with applicable requirements in LC 16.212(10)(a) through (e) below. These requirements shall not be applied in a manner that prohibits the siting of the processing facility;

(iv) A land division of a lot or parcel shall not be approved that separates the processing facility from the farm operation on which it is located.

(k) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) and LC 16.214(4) below.

(4) Criteria for Director Approval. Uses specified in LC 16.214(3) and (4) may be allowed if found to comply with the following criteria:

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

(b) 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.)

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

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

(5) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:

(a) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate or other mineral resources or other subsurface resources.

(6) Area. Land in a Marginal Land zone may be divided as follows:

(a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197.

(b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197.

(c) A parcel of any size necessary to accommodate any of the nonresidential uses identified in LC 16.214(2)(h),(i),(j),(1) and (n) and LC 16.214(3)(a), (c),(f) and (g).

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with other provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Height. None.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.214(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-91, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10)*

## **PARK AND RECREATION ZONE (PR-RCP) RURAL COMPREHENSIVE PLAN**

### **16.215 Park and Recreation Zone (PR-RCP).**

(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:

(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(d) To implement the policies of the Lane County Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(d) Farm use.

(e) Towers and fire stations for forest fire protection.

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(h) The following transportation facilities and uses:

(i) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

(iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

- (a) Private hunting and fishing operations without any lodging accommodations.
- (b) Caretaker residences for public parks and public fish hatcheries.
- (c) Parks.
- (d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.
- (e) Aids to navigation and aviation.
- (f) Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- (g) The following transportation facilities and uses:
  - (i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.
  - (ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.
  - (iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.
  - (iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.
  - (v) Park and ride lots.
  - (vi) Railroad mainlines and branchlines.
  - (vii) Pipelines.
  - (viii) Navigation channels.
  - (ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).
  - (x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.
  - (xi) Subject to LC 16.215(10)(h), continuous median turn lanes.
  - (xii) Subject to LC 16.215(10)(h), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
  - (xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.
- (h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.
  - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
  - (ii) Only minor incidental and accessory retail sales are permitted.
  - (iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.

(i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(l) Temporary portable facility for the primary processing of forest products.

(m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(n) Uninhabitable structures accessory to fish and wildlife enhancement.

(o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.

(b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

(a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

(f) Gymnasium or athletic club.

(g) Yachting clubs.

(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.

(j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

(a) Race track.

(b) Amusement park, carnival, circus.

(c) Stadium.

(d) Fairgrounds and amusement park.

(e) Recreational shooting.

(f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character 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 capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.



(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

**Size of the Primary Safety Zone by Percent Slope**

| % Slope | Feet of Primary Safety Zone | Feet of Additional Safety Zone Down Slope |
|---------|-----------------------------|---|
| 0       | 30                          | 0   |
| 10      | 30                          | 50  |
| 20      | 30                          | 75  |
| 25      | 30                          | 100                                       |
| 40      | 30                          | 150                                       |

Building shall be restricted to slopes of less than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire-fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire-fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire-fighting equipment and containing rock to a depth of at least six inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire-fighting equipment of the agency providing fire protection to access the use, fire-fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire-fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below:

(aa) Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

(bb) Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.  
(iii) Signs shall be limited to 200 square feet in area.  
(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Youth Camps. The purpose of LC 16.215(12) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.215(12)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.251(10)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire-fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 16-01, 2.25.16)*

**LIMITED COMMERCIAL ZONE (C-1, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.220 Limited Commercial Zone (C-1, RCP).**

(1) Permitted Buildings and Uses. In the C-1, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any use permitted in the RG-RCP Zone (LC 16.230) in accordance with the requirements of this zone.

(b) Auto courts constructed and arranged in accordance with plans approved by the Planning Commission.

(c) Business and professional offices.

(d) Clinics.

(e) Flower and plant nurseries; provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

(f) Public parking areas developed in accordance with provisions established in the general off street parking section (LC 16.250).

(g) Service stations, provided greasing and tire repairing are performed completely within an enclosed building.

(h) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(i) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.



(d) Radio and television stations.  
(e) Recreation vehicle park.  
(f) Campground or picnic area.  
(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.220(2) above shall 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, and

(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.

(4) Height. (Also see LC 16.250.) No building or structure, nor the enlargement of any building or structure, shall be hereafter erected or maintained to exceed two and one-half stories or 35 feet in height, except apartment houses, which may be constructed to a height of three stories, or 45 feet in height.

(5) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) No structures other than a fence or sign shall be located closer than:  
(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-1, RCP Zone.

(6) Lot Coverage. The main building or buildings and accessory buildings shall not occupy in excess of 60 percent of the ground area.

(7) Vision Clearance.

(a) Vision clearance for corner lots shall be 15 feet.  
(b) Vision clearance on alley-street intersections shall be seven and one-half feet.

(8) Off Street Parking.

(a) Parking space requirements for "R" zone uses are given under the applicable section.

(b) Auto courts shall provide at least one garage space of not less than 126 square feet net area for each living unit.

(c) Business and professional offices and nurseries shall provide at least one parking space for each 2,000 square feet of lot space or fraction thereof, except that, if two or more business or professional offices are located on a single site, a minimum of two parking spaces shall be provided for each office.

(d) Clinics shall provide at least two parking spaces for each consultation and operating room.

(9) Signs. Exterior signs shall be limited to two per business establishment, and shall be designed as a part of the building.

(10) Area. (Also see LC 16.250.)

(a) Size of Lot.

(i) Lots shall have a minimum average width of 60 feet and a minimum area of 6,000 square feet, except that where a lot has an average width of less than 60 feet as of January 8, 1969, such lot may be occupied by any use permitted in this section.

(ii) Space required for auto courts shall be not less than 1,200 square feet of lot space per dwelling or sleeping unit.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.220(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## **NEIGHBORHOOD COMMERCIAL ZONE (C-2, RCP) RURAL COMPREHENSIVE PLAN**

### **16.221 Neighborhood Commercial Zone (C-2, RCP).**

(1) Permitted Buildings and Uses. In the C-2, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any residential or "R" use which is not lower than the most restricted "R" use abutting the C-2, RCP Zone in accordance with the requirement of the respective "R" zone.

(b) Bakery.

(c) Bank.

(d) Barber shop or beauty parlor.

(e) Book or stationery store.

(f) Catering service.

(g) Clothes cleaning and/or pressing establishment; provided equipment shall be limited to two clothes cleaning units with a rated capacity of not more than 40 pounds each, and shall be of the closed-type unit, using perchlorethylene cleaning solvent.

(h) Clubs or lodges, fraternal and religious associations.

(i) Confectionery store.

(j) Curios and antique.

(k) Delicatessen store.

(l) Department store.

(m) Drug store.

- (n) Dry goods or notions store.
  - (o) Florist or gift shop.
  - (p) Furniture, household goods and furnishing.
  - (q) Laundry agency.
  - (r) Laundry (self-service).
  - (s) Meat market.
  - (t) Millinery or custom dressmaking shops.
  - (u) Musical instruments and supplies.
  - (v) Office supplies and equipment.
  - (w) Paint and wallpaper supplies.
  - (x) Photographer.
  - (y) Plumbing supplies.
  - (z) Printing.
  - (a-a) Public parking areas developed in accordance with provisions established in LC 16.250.
  - (b-b) Restaurants, tea rooms, cafes.
  - (c-c) Seeds and garden supplies.
  - (d-d) Service stations, provided greasing and tire repairing are performed completely within an enclosed building.
  - (e-e) Shoe or shoe repair shop.
  - (f-f) Sporting goods.
  - (g-g) Surgical supplies and equipment.
  - (h-h) Tailor, clothing and wearing apparel shops.
  - (i-i) Telephone and telegraph exchanges.
  - (j-j) Theaters (conventional).
  - (k-k) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
    - (i) Purpose and intent of this District.
    - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
      - (aa) Bulk, size, and operating characteristics of the proposed use.
      - (bb) Parking demand, customer types and traffic generation.
      - (cc) Intensity of land use of the site.
      - (dd) Potential demand for public facilities and services.
      - (ee) Products or services produced or vended on or from the site.
    - (iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.
    - (iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
  - (II) Municipal Service terminals, such as street cleaning operations; establishment or expansion of all such uses shall be subject to Site Review Approval pursuant to LC 16.257.
- The above-specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively, and shall be permitted only under

the following conditions: Such stores, shops or businesses shall be conducted wholly within an enclosed building, and all products produced shall be sold at retail, on the premises.

(mm) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses specified under LC 16.221(2) above shall 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, and

(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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.).

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

(7) Off Street Parking.

(a) Parking space and loading space shall be provided as specified in the General Parking Requirements (LC 16.250).

(b) Parking space for dwellings shall be in accordance with the requirements for the type of dwelling structure as provided in the RG-RCP Zone (LC 16.230).

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.221(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

### COMMERCIAL ZONE (C-3, RCP) RURAL COMPREHENSIVE PLAN

#### 16.222 Commercial Zone (C-3, RCP).

(1) Permitted Buildings and Uses. In the C-3, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any use permitted in the RG-RCP and C-2, RCP zones (LC 16.230 and 16.221) in accordance with the requirements of this zone.

(b) Agricultural supplies and machinery sales room.

(c) Automobile sales agencies or garages.

(d) Builders supplies, including retail sales of lumber; provided that all salvaged or building supplies and materials shall not be exposed to view from outside the property.

(e) Drycleaning establishments using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is nonodorous, as well as nonexplosive and nonflammable at temperatures below 138.5 degrees F.

(f) Feed and fuel stores.

(g) Fumigation chambers, when approved by the Oregon State Board of Health.

(h) Outdoor advertising.

(i) Places of amusement, such as billiard parlors, taverns, bowling alleys, drive-in theaters, dance halls and games of skill and science, if conducted wholly within a completely enclosed building.

(j) Plumbing and sheet metal.

(k) Professional playfields, including baseball, football, etc.

(l) Second-hand stores, if conducted wholly within an enclosed building.

(m) Stadiums.

(n) A facility which exists for the purpose of providing for the temporary care and/or lodging of adult indigent persons shall be allowed; provided that before a building permit is issued for the establishment of a new facility or the expansion of an existing facility the Planning Commission determines at a public hearing that the site in question would not be unduly detrimental to the welfare, health and safety of the public, and the immediate residents of the vicinity.

(o) Stores (retail and wholesale) and business uses similar to the above and normally located in a commercial zone; provided that:

(i) Where there is manufacturing, compounding, processing or treatment of produce for wholesale, a minimum of 25 percent of the total floor area shall be used for retail stores.

(ii) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.

(p) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.222(2) above shall 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, and

(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 and 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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15).

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-3, RCP Zone.

(5) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

(6) Off Street Parking.

(a) Parking space and loading space shall be provided as specified in the General Parking Requirements section (LC 16.250).

(b) Parking space for dwellings shall be in accordance with the requirements for the type of dwelling structure as provided in the RG-RCP Zone.

(7) Telecommunication Towers. Notwithstanding the requirements in LC 16.222(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## **RURAL COMMERCIAL ZONE (C-R, RCP) RURAL COMPREHENSIVE PLAN**

### **16.223 Rural Commercial Zone (C-R, RCP).**

(1) Purpose. The purpose of the Rural Commercial Zone (C-R, RCP) is:

(a) To provide goods and services needed by rural residents.

(b) To provide services and facilities for tourists and travelers.

(c) To implement the policies of the Lane County Rural Area Comprehensive Plan, primarily those policies related to commercial development of areas identified as committed or built upon.

(d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

- (a) Retail trade of food.
- (b) Retail trade of new general merchandise.
- (c) Retail trade of building materials, hardware or farm equipment conducted within an enclosed building.
- (d) Restaurants.
- (e) Service stations.
- (f) Personal services.
- (g) Finance, insurance, banking and real estate services.
- (h) Professional services.
- (i) Retail trade of secondhand general merchandise within an enclosed building.
- (j) Bus passenger terminal.
- (k) Civic, social and fraternal meeting places.
- (l) Boat charter and rental, including fishing equipment.
- (m) Hotel, motel or lodge, and related recreational facilities.
- (n) Bed and breakfast accommodation.
- (o) Veterinarian clinic.
- (p) Bars, night clubs and taverns.
- (q) Retail trade of hay, grains or goods for animal consumption.
- (r) Day camp and picnic areas.
- (s) Outdoor tourist attractions featuring displays of educational or historical value.
- (t) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.
- (u) A dwelling or mobile home in conjunction with an above permitted use.
- (v) Uses accessory to an above permitted use.
- (w) A noncommercial kennel.
- (x) Indoor or outdoor theaters.
- (y) Post Office facilities.
- (z) Family day care facility in a permitted residence.
- (a-a) Residential home in a permitted residence.
- (b-b) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
  - (i) Purpose and intent of this District.
  - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
    - (aa) Bulk, size, and operating characteristics of the proposed use.



- (bb) Parking demand, customer types and traffic generation.
- (cc) Intensity of land use of the site.
- (dd) Potential demand for public facilities and services.
- (ee) Products or services produced or vended on or from the

site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(c-c) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Special Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and considerations specified by this chapter of Lane Code:

(a) Uses and activities:

(i) Retail trade of building materials, hardware or farm equipment conducted partially or wholly outdoors.

(ii) Equipment rental and leasing service.

(iii) Overnight campground and picnic areas.

(iv) Recreational vehicle park.

(v) Vehicle repair service.

(vi) Recreational vehicle and boat storage.

(vii) Marina.

(viii) A commercial kennel or a commercial breeding kennel.

(ix) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(b) Criteria. The above uses should substantially conform to the following criteria:

(i) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposed intent and are compatible with the surrounding vicinity.

(ii) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(iii) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(iv) The suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(v) That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(vi) That, based on anticipated traffic generation, adequate additional right-of-way and road improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of Lane Code, Chapter 15, "Roads", and also to the necessity for such

additional requirements as lighting, sidewalks and turn and deceleration/ acceleration lanes.

(vii) That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(viii) That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(ix) That all signs and illumination are in scale and harmonious with the site and area.

(x) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements etc. that are required.

(4) Area. No minimum established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(5) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area.

Maintenance, removal and replacement of indigenous vegetation within the riparian setback area streams designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Heights. Maximum height of any structure shall be 45 feet.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be flashing or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(iv) No sign shall project above the height of the tallest structure on the property.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(6) Telecommunication Towers. Notwithstanding the requirements in LC 16.223(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

### **LIMITED INDUSTRIAL ZONE (M-1, RCP) RURAL COMPREHENSIVE PLAN**

#### **16.224 Limited Industrial Zone (M-1, RCP).**

(1) Permitted Buildings and Uses. In the M-1, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

- (a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.
- (b) Administrative and sale offices incidental to and directly related to the operation of industrial or commercial uses permitted in this zone.
- (c) Single-family dwelling or mobile home for residential purposes for watchman, caretaker or operator to be located on the premise of the associated use.
- (d) Kennel; provided the following conditions are satisfied:
  - (i) The maximum number of dogs over four months of age shall be eight.
  - (ii) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
  - (iii) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.
- (e) Laboratories, research and testing.
- (f) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of electronic devices, electro-mechanical components, optics, testing equipment.
- (g) Manufacturing, assembling, processing, packaging, storage or wholesale distribution of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks and food products, except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- (h) Outdoor advertising.
- (i) Storage buildings for household or consumer goods.
- (j) Public and semipublic utilities, buildings and uses rendering direct utility service to the public in the local area, such as fire stations, utility stations or wells.
- (k) Lawful uses existing on a property prior to July 9, 1982, and expansion or replacement of such uses which will result in an accumulated increase of no

greater than 50 percent of the total ground floor and outside storage area lawfully existing prior to the effective date of the adoption of the ordinance.

(l) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

- (i) Purpose and intent of this District.
- (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
  - (aa) Bulk, size, and operating characteristics of the proposed use.
  - (bb) Parking demand, customer types and traffic generation.
  - (cc) Intensity of land use of the site.
  - (dd) Potential demand for public facilities and services.
  - (ee) Products or services produced or vended on or from the site.

site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(m) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

- (a) Aircraft landing field or heliport in conjunction with a use permitted in this zone.
- (b) Banks.
- (c) Barbershop, beauty shop.
- (d) Building maintenance service.
- (e) Carnival, circus.
- (f) Convenience grocery store (maximum of 2,000 square feet).
- (g) Correctional institution, jail, penal farm.
- (h) Credit union office.
- (i) Garbage dump, garbage transfer facility.
- (j) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (k) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.
- (l) Other uses similar to permitted uses in this zone; provided that:
  - (i) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
  - (ii) Items manufactured, assembled, processed or produced in area shall be for wholesale.
- (m) Public and private parking areas and garages.
- (n) Radio and television stations, radio and television towers; facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.
- (o) Restaurants, taverns.

- (p) Rock, sand, gravel and loam excavations, with incidental processing.
- (q) Service stations.
- (r) Sewage treatment facilities.
- (s) Expansion of a lawful preexisting use in excess of that allowed as a permitted use.

(t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.224(3) above shall 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, and

- (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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

- (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

- (i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

- (ii) 10 feet from all other property lines except as provided below.

- (b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-1, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum load space and setbacks have been provided.

(6) Vision Clearance.

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

- (b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.224(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC

16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**LIGHT INDUSTRIAL ZONE (M-2, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.225 Limited Industrial Zone (M-2, RCP).**

(1) Permitted Buildings and Uses. In the M-2, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-1, RCP Zone (LC 16.224(1)).

(c) Bottling works, including alcoholic beverages.

(d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.

(e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.

(f) Feed and seed store.

(g) Freight and trucking yards or terminal.

(h) Mobile home sales and repairs.

(i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.

(j) Lumberyards and building material sales.

(k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.

(l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.

(m) Moving equipment rental, parcel delivery plant.

(n) Poultry or rabbit killing, incidental to a retail trade on the same premises.

(o) Tire recapping.

(p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(q) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(r) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3).)

(b) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(c) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.225(2) above shall 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, and

(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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space, loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from curb or walk level to a minimum height of eight feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.225(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12)*

### **HEAVY INDUSTRIAL ZONE (M-3, RCP)** **RURAL COMPREHENSIVE PLAN**

#### **16.226 Heavy Industrial Zone (M-3, RCP).**

(1) Permitted Buildings and Uses. In the M-3, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-2, RCP Zone (LC 16.225(1)).

(c) Industrial and associated commercial buildings and uses. All manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing, researching or any combination thereof of items, material or goods, is permitted.

(d) Other uses similar to the above, and those uses which are unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(e) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(f) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.



(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(g) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3)).

(b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.226(3) above shall comply with the following criteria:

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

(b) The location, size, design and operation 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, and

(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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-3, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 66 feet shall be a minimum of one foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance of more than 10 feet shall be required. Said vision clearance shall be from the curb or walk level to a minimum of eight feet.

(7) Off Street Parking. (Also see LC 16.250.)

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.226(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12)*

### **INMATE WORK CAMP ZONE (IWC/RCP) RURAL COMPREHENSIVE PLAN**

#### **16.227 Inmate Work Camp Zone (IWP/RCP).**

(1) Purpose. The Inmate Work Camp zone is a special-purpose zoning district designed to accommodate the unique requirements of rehabilitative correctional facilities in rural areas. The zone is intended to be applied consistently with the requirements of the Lane County Rural Comprehensive Plan, Policies Element, Goal 11: Public Facilities and Services Policy #7. Such facilities provide for activities which are as typical of those taking place in, and dependent upon, resource areas; and which, because of their nature, require physical isolation from other developed land uses and the maintenance of continuing security measures for their operation. The zone is also intended to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. Uses permitted in this zone are limited to correctional work camp facilities, and related accessory uses, operated by authorized public agencies or their designates. Such uses normally include, but are not necessarily limited to, supervised living quarters, dining halls, craft areas, counseling areas, indoor and outdoor recreational areas, staff residences and administrative quarters, cleaning and sanitation facilities, onsite water supply and sewage-disposal systems, vehicular parking and circulation areas, outdoor lighting, security alarm systems, perimeter and internal security fencing, and limitations upon the movements of residents and visitors.

(3) Property Development Standards. All uses permitted above shall be subject to the following development standards:

(a) Siting and Fire Safety Standards. All structures designed for human occupancy shall:

(i) Where possible, in consideration of the dimensions and topography of the tract, be sited at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

**SUBURBAN RESIDENTIAL ZONE (RA-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.229 Suburban Residential Zone (RA-RCP).**

- (1) Purpose. The purpose of the Suburban Residential Zone (RA-RCP) is:
  - (a) To provide opportunities for people to live in a rural area.
  - (b) To allow primary and accessory residential uses and nonresidential uses which may be compatible with primary residential uses.
  - (c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed or built upon and located within a community area.
  - (d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.
- (2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code.
  - (a) One single-family dwelling, mobile home or duplex on a legal lot.
  - (b) One single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner; provided that the minimum average density per residential unit complies with the following standards:
    - (i) Where a community sewerage system and community water system is available, the ratio of residences to area shall not exceed one residence per 10,000 square feet.
    - (ii) Where an on-site sewage disposal system and community water system is available, the ratio of residences to area shall not exceed one residence per 20,000 square feet.
    - (iii) Where an individual water system and on-site sewage disposal system is available, the ratio of residences to area shall not exceed one residence per acre.
    - (iv) In all cases, an approved means of sewerage must be obtained.
  - (c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:
    - (i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.
    - (ii) To qualify as a relative of the existing resident, a person shall be the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the existing resident.
    - (iii) Satisfactory evidence of the hardship is furnished which shall include:
      - (aa) A written statement, on a form provided by the Department, from the person's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.
      - (bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.
    - (iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.
    - (v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

(vii) Approval of temporary manufactured dwelling permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Residential Home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or,

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(h) Forest uses, including the propagation and harvesting of forest products, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.

(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Noncommercial kennel.

(p) Family day care facility in a permitted residence.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home, and accessory uses, for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit as specified in LC 16.229(2)(b) above is maintained.

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

(b) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.229(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.229(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(c) More intensive farm use than those specified in LC 16.229(2)(g) above.

(d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

- (a) Animal hospitals.
- (b) Commercial breeding kennel.
- (c) Commercial kennel.
- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries, human or animal.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste disposal facilities.
- (p) Stables, riding academies and commercial riding.
- (q) Storage facilities for boats and recreational vehicles.
- (r) Sewage treatment facilities.
- (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.
- (t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.
- (u) Mobile home parks.
- (v) Amusement park, carnival or circus.
- (w) Correctional institution.
- (x) Garbage dump, sanitary landfill or solid waste management.
- (y) Jail or penal farm.
- (z) Race track.
- (a-a) Sewage treatment plant.
- (b-b) Boarding of horses for profit.
- (c-c) Primary processing facility.

(5) Hearings Official Approval Criteria. Uses identified in LC 16.229(4) above must comply with the following criteria:

- (a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.
- (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.
- (c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.
- (d) Where necessary, adequate provisions for access, sewerage and potable water would be provided for the intended use.

(6) Area. The creation of a parcel or lot for RA zoned property shall be subject to the following minimum area requirements:

- (a) Where a community sewerage system and community water system is available, the minimum area requirement shall be 10,000 square feet.

(b) Where an on-site sewage disposal system and community water system is available, the minimum area requirement shall be 20,000 square feet.

(c) Where an individual water system and on-site sewage disposal system is available, the minimum area requirement shall be one acre.

(d) In all cases, an approved means of sewerage must be obtained.

(e) There is no minimum lot size for a parcel to accommodate uses allowed by LC 16.229(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28--Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 15.253(2) or LC 16.253(6), as applicable.

(f) Height. 45 feet shall be the maximum allowable structural height.

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement

(iii) Signs shall be limited to 200 square feet in area.

(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.229(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones

(LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**GARDEN APARTMENT RESIDENTIAL ZONE (RG-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.230 Garden Apartment Residential Zone (RG-RCP).**

(1) Permitted Buildings and Uses. In the RG-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) Single-family dwelling.
- (b) Two family dwelling (duplex).
- (c) Multiple dwelling.
- (d) Court apartment, boarding house.
- (e) Townhouse.
- (f) Church.
- (g) Schools, public and private (elementary, junior high, senior high).
- (h) Public building or structure essential to the physical and economic

welfare of the area in which located, such as a fire station, library, substation, pump station, reservoir, provided that each interior side and rear yard shall be a minimum of 25 feet in width. No stockpiling or storage of equipment or materials shall be allowed.

- (i) Accessory buildings and structures.
- (j) Private parking area.
- (k) Private parking garage.
- (l) Residential home.
- (m) Bed & Breakfast accommodation.
- (n) Family day care facility in a permitted residence.
- (o) Residential Care Facility, provided, pursuant to ORS 197.667(4), the

applicant supplies to the County at the time of application for land use approval a copy of the application and non-confidential supportive documentation for state licensing of the facility.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of the Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Home Occupations, subject to the following conditions and annual review:

- (i) Will be operated by a resident of the property on which the business is located.
- (ii) Will employ no more than five full or part-time persons.
- (iii) Will be operated in a dwelling or other buildings normally associated with uses permitted under LC 16.230(1) above.



(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.230(1) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Sewage treatment plant.

(f) Recreation vehicle park.

(g) Campground or picnic area.

(h) Home occupations meeting the requirements of LC 16.231(3)(b) (RR-RCP Zone).

(i) Clinic.

(j) Day nursery school.

(k) Group care home including residential care facilities as defined by ORS 197.660(1).

(l) Hospital.

(m) Nursing home.

(n) Private and public park, playground or community center.

(o) Telephone or telegraph exchange, excluding outdoor storage of vehicles or materials.

(4) Special Use Approval Criteria. Uses allowed under LC 16.230(3) above shall comply with 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, and

(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) Height. (Also see LC 16.250.) No building may extend above the sun exposure plane.

(6) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) No yard or open space provided for the purpose of complying with the regulations of this section shall be used for public or private parking areas or garages, or other accessory buildings.

(c) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the RG-RCP zone.

(7) Density. Where community sewerage facilities are not available, the minimum area required shall be 3,000 square feet per dwelling unit.

(8) Lot Coverage. All structures, excluding garages, carports and parking spaces, shall not occupy more than 30 percent of the gross area of the lot.

(9) Vision Clearance.

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

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(10) Off Street Parking. The number of permanently maintained off street parking spaces required on the site shall be no less than as set forth in the following, and shall be constructed simultaneously with the construction of the applicable permitted zone use. A parking space shall be not less than eight feet wide and 18 feet long, and shall have provisions for ingress and egress. Groups of three or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. No off street parking requirements shall be satisfied within required yard areas.

(a) Residential Types and Parking Space Required.

(i) Dwelling, single-family or two-family - One for each dwelling unit.

(ii) Dwelling, multiple - 1.5 for each dwelling unit; where fractioned, next highest full unit.

(b) Institutional Types and Parking Space Required.

(i) Churches, clubs, lodges - One for every four fixed seats or every eight feet of bench length of every 28 square feet of main auditorium, sanctuary or place of worship, where no permanent seats or benches are maintained.

(ii) Hospitals - One and one-half spaces for each bed; where fractioned, next highest full unit.

(iii) Schools.

(aa) Elementary and junior high schools - One and one half spaces for each teaching station, plus one for every six fixed seats in the auditorium or one for every 42 square feet of seating area, where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(bb) High Schools - One and one half spaces for each teaching station, plus one for every four fixed seats in the auditorium or one for every 28 square feet of seating area where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(iv) Libraries, museums, art galleries . One for each 250 square feet of gross floor area.

(c) Commercial Types and Parking Space Required.

(i) Clinic - One space for every 400 square feet of gross floor area.

(ii) Day Nursery School - One and one-half spaces for each teaching or class station; where fractioned, next highest full unit.

(iii) Nursing homes, group care homes - One space for each two beds.

(11) Signs. Only the following signs shall be permitted in the RG-RCP Zone:

(a) One unlighted nameplate for each dwelling unit, attached flat against the main building, not exceeding 4" x 16" and containing only the names and occupation of the resident of the premises.

(b) One unlighted temporary sign not exceeding six square feet in area, pertaining only to the sale, lease or hire of the particular buildings, property or premises upon which it is displayed.

(c) One unlighted sign for each housing development, not to exceed 20 square feet in area, or five feet in any dimension, and containing no advertising matter, except the name and street address of the development.

(d) Subdivision and directional signs. (See LC 16.259 for permit provision).

(12) Fences and Walls. There shall be erected a masonry wall or wooden fence along the perimeter of all off street parking areas, except along any portion of such parking area immediately adjacent to a building. Such wall or fence shall contain not less than 60 percent solid face surface and not less than 4' 8" in height; setback shall be in accordance with the requirements for this zone; provided no wall or fence required by this section shall project nearer than five feet to any access drive.

(13) Dedication and Improvement of Easements. No building permit shall be issued, and no use of the property not requiring a building permit shall be made, until the applicant for a permit or user of the property has submitted to and has had approved by the Planning Commission the required dedications of streets and other easements within and around the site, and made the required improvements or provided an agreement and bond in lieu of improvements.

(14) Lot Dimensions. (Also see LC 16.250.)

(a) Minimum area - 20,000 square feet.

(b) Minimum width - 100 feet.

(c) Minimum depth - 80 feet.

(d) The minimum area and width requirements shall not apply to either single-family or two-family dwellings established in an RG-RCP zone. Minimum average area and width requirements for single and two-family dwellings are as set forth in LC 16.250.

(15) Telecommunication Towers. Notwithstanding the requirements in LC 16.230(1)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## **RURAL RESIDENTIAL LANDS ZONE (RR-RCP) RURAL COMPREHENSIVE PLAN**

### **16.231 Rural Residential Lands Zone (RR-RCP).**

- (1) Purpose. The purpose of the Rural Residential Zone (RR-RCP) is:
  - (a) To provide opportunities for people to live in a rural area.
  - (b) To allow primary and accessory residential uses, and nonresidential uses which may be compatible with primary residential uses.
  - (c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed, built upon, or as nonresource land.
  - (d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.
- (2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code:
  - (a) One single-family dwelling, mobile home, or duplex on a legal lot.
  - (b) A single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner, provided that the minimum average density per residential unit (i.e., residences in relationship to acreages: one, two, five or 10 acres, whichever is specified by the zoning map) is maintained, and proper sanitation approvals are obtained.
  - (c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:
    - (i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.
    - (ii) To qualify as a relative of the existing resident, a person shall be the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, niece, nephew, stepparent, stepchild, grandparent or grandchild of the existing resident.
    - (iii) Satisfactory evidence of the hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the person's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

(iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

(vii) Approval of temporary manufactured dwelling permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Residential home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(h) Forest uses, including the propagation and harvesting of forest products grown on the property, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.

(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Family day care facility in a permitted residence.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit is maintained (i.e., not more than one residence per whatever the area requirement is as specified by the zoning map).

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

(b) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.231(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.231(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of

the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval shall not receive extended approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the applicant and the owner of the property upon which the home occupation is located.

(c) More intensive farm use than those specified in LC 16.231(2)(g) above.

(d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

- (a) Animal hospitals.
- (b) Commercial breeding kennel.
- (c) Commercial kennel.
- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste management.
- (p) Stables, riding academies and commercial riding.
- (q) Storage facilities for boats and recreational vehicles.
- (r) Sewage treatment facilities.
- (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.

(u) An expansion of a mobile home park meeting the requirements of a permitted use under LC 16.231(2)(n) above and which does not exceed 50 percent of the number of mobile home spaces lawfully existing as of February 29, 1984; provided the expansion includes adequate provisions for access to and within the mobile home park and provided adequate provisions are made for sewerage and potable water.

(v) A mobile home park on property for which a conditional use permit for: a mobile home park had previously been approved by Lane County and not denied on appeal to the State; provided:

(i) The previous conditional use permit was approved after January 1, 1982.

(ii) The proposed mobile home park is not substantially different than the one previously approved in LC 16.231(4)(v)(i) above.

(iii) The application for the proposed mobile home park is received and accepted prior to January 1, 1985.

(iv) There are adequate provisions for access to and within the proposed mobile home park and adequate sewerage and potable water.

(w) Primary processing facility.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.231(4) above are subject to compliance with the following criteria:

(a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.

(c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.

(6) Area. Land within the Rural Residential Zone shall be designated and adopted on the zoning map as RR-1, RR-2, RR-5 or RR-10, and the creation of a parcel or lot shall be subject to compliance with LC Chapter 13 and the following minimum area requirements:

(a) RR-1: 1 acre

(b) RR-2: 2 acres

(c) RR-5: 5 acres

(d) RR-10: 10 acres

(e) In either RR-1, RR-2, RR-5 or RR-10, the minimum acreage may be less than required above and whatever size is necessary to accommodate uses specified in LC 16.231(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28 --Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous



vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

- (f) Height. None
- (g) Signs.
  - (i) Signs shall not extend over a public right-of-way or project beyond the property line.
  - (ii) Signs shall not be illuminated or capable of movement.
  - (iii) Signs shall be limited to 200 square feet in area.
- (h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.231(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## DESTINATION RESORT ZONE (DR-RCP) RURAL COMPREHENSIVE PLAN

### 16.232 Destination Resort Zone (DR-RCP).

- (1) Purpose. The purpose of the Destination Resort Zone (DR-RCP) is:
  - (a) To recognize that large-scale, destination oriented, multiuse recreational facilities are appropriate in Lane County.
  - (b) To implement the policies of the Lane County Rural Area Comprehensive Plan which address Destination Resorts.
  - (c) To establish a procedure and standards for the development of Destination Resort facilities.
- (2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code:
  - (a) Living accommodations, including lodges, hotels, motels, cabins, condominiums, single-family and multifamily dwelling units, and structures, such as garages normally subordinate to such accommodations, provided at least 75 percent of the living accommodations shall be for other than year-round residents.
  - (b) All manner of outdoor and indoor recreational facilities, including, but not limited to, golf courses, tennis courts, swimming pools, racquetball and handball courts, riding stables and trails, nature trails, and pathways for walking/running/bicycling, campgrounds or camps, and parks.
  - (c) Convention facilities and meeting rooms.
  - (d) When incidental to and together with the uses described in LC 16.232(2)(a),(b) and (c) above, the following uses;
    - (i) Restaurants, lounges and nightclubs.
    - (ii) Theaters and performing arts auditoriums.

(6) Area. The ratio of developed (structures, paved surfaces, facilities) to undeveloped land shall not exceed 50 percent. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-04, 6.4.04; 5-04, 7.1.04)*

**HISTORIC STRUCTURES OR SITES COMBINING ZONE (/H-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.233 Historic Structures or Sites Combining Zone (/H-RCP).**

(1) Purpose. By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This section is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

(2) Permit Required. No person may alter or demolish any Historic Structure or Site, unless a permit to do so has been issued by the Department upon review in accordance with the provisions of this section.

(3) Issuance of Permits. An application for a permit to alter or demolish an Historic Structure or Site shall be made by the owner, or his or her authorized agent, in the same manner as provided for in this Chapter for any building permit. The application shall be referred to the Planning Director by the Building and Sanitation Division.

(4) Planning Director Review. Alteration of a Historic Structure or Site or demolition of a Historic Structure is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and subject to compliance with the review criteria at LC 16.233(5) below. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.

(5) Criteria.

(a) A permit to demolish a Historic Structure shall be approved only upon submission of evidence that the following criterion is met: Every reasonable effort shall be made to maintain the Historic Structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(b) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(i) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(ii) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

(6) Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(a) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(b) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

(c) All designated buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance should be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 6-10, 9.17.10)*

## NATURAL ESTUARY ZONE (NE-RCP) RURAL COMPREHENSIVE PLAN

### 16.234 Natural Estuary Zone (NE-RCP).

(1) Purpose. The purpose of the Natural Estuary Zone (NE-RCP) is to assure the protection of significant fish and wildlife habitats and the continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives.

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

- (a) Low intensity recreation which is water dependent.
- (b) Educational and scientific observation.
- (c) Navigational aids.
- (d) Passive estuarine restoration.
- (e) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (f) Low intensity grazing provided the area is a high salt marsh.
- (g) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.

(h) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.

- (i) Bridge crossings.
- (j) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

- (a) (i) Uses.
  - (aa) Communication facilities.
  - (bb) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (ii) Criteria.
  - (aa) No fill or dredging is required.

(bb) The use will have minimal impact on natural resources in the area affected by the proposed use. These natural resources are as identified in the Lane County Rural Comprehensive Plan.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

(b) (i) Uses. Aquaculture which does not involve estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

(ii) Criteria.

(aa) No dredge or fill is required.

(bb) The use is consistent with the Lane County Rural Comprehensive Plan.

(c) (i) Uses.

(aa) Boat ramps for public use where no dredging or fill for navigational access is needed.

(bb) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

(cc) Installation of tidegates in existing functional dikes.

(dd) Bridge crossing support structures and dredging necessary for their installation.

(ii) Criteria.

(aa) The use is consistent with the resource capabilities of the area in that either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity and values of scientific research and education.

(bb) Substantial public benefit is demonstrated.

(d) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the NE-RCP zone.

(4) Nonconforming Use Exceptions.

(a) Docks and Piers. Actively utilized pier, docks and other structures occupying the water surface by means other than fill existing as of July 1, 1980 may be rebuilt within two years, but not expanded if damaged or destroyed notwithstanding the provisions of LC 16.251 regarding nonconforming uses.

(b) Log Storage. Notwithstanding the provisions of LC 16.251 regarding nonconforming uses, log storage sites in the NE-RCP Zone under lease from the Division of State Lands shall be allowed to continue and be renewed. Leases for storage sites in new areas are prohibited.

(5) Applicable Natural Features. The boundaries of the NE-RCP Zone are determined by the natural estuarine features. The NE-RCP Zone includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. The entire estuarine areas of the Siltcoos River and Berry, Sutton, Big and Tenmile Creeks are within the NE- RCP Zone. These are as defined on the Lane County zoning maps as specified by LC 16.252(8).

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal Permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

(a) The use is required for navigation or is otherwise water-dependent and requires an estuarine location, or is specifically allowed by the NE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses which could alter the estuary shall only be allowed if the requirements in LC 16.234(7)(b), (c) and (d) above, are met.

(8) Telecommunication Towers. Notwithstanding LC 16.234(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.234 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

**CONSERVATION ESTUARY ZONE (CE-RCP)  
RURAL COMPREHENSIVE PLAN****16.235 Conservation Estuary Zone (CE-RCP).**

(1) Purpose. The purpose of the Conservation Estuary Zone CE-RCP is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this zone.

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

- (a) Low-intensity, undeveloped recreation which is water dependent.
- (b) Scientific and educational observation.
- (c) Navigational aids, such as beacons and buoys.
- (d) Passive estuarine restoration measures.
- (e) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (f) Natural resource preservation, including protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (g) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.
- (h) Bridge crossings.
- (i) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
- (j) Communication facilities.
- (k) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (l) Boat ramps for public use where no dredging or fill for navigational access is needed.
- (m) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
- (n) Installation of tidegates in existing functional dikes.
- (o) Bridge crossing support structures and dredging necessary for their installation.
- (p) Noncommercial clamming and fishing.
- (q) Low-intensity grazing; provided the area is a high salt marsh and has been so used within the 10 years prior to July 24, 1980.
- (r) Log storage; provided the storage occurs at sites under lease from Division of State Lands on July 24, 1980 and provided all state and federal agency requirements are met.
- (s) The following transportation facilities and uses, provided no filling or dredging is required:
  - (i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
  - (ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an impact assessment as set forth in LC 16.249.

(a) (i) Uses. Private single-family, single-purpose piers or docks.

(ii) Criteria and Conditions.

(aa) The use will have minimal adverse impact on natural resources in the area affected by the proposed use. The resources are as identified in the Lane County Rural Comprehensive Plan.

(bb) The use is compatible with requirements of adjacent shorelands' Rural Comprehensive Plan designation.

(cc) The applicant attests in writing on a form provided by the Planning Director that no alternatives to the proposed structure are feasible.

(dd) The size and design of the structure is limited to that required for the intended use.

(b) (i) Uses. New or expanded log storage sites not otherwise provided for in LC 16.235(2)(r) above.

(ii) Criteria and Conditions.

(aa) Water storage is integral to continued operation of the associated wood processing facility.

(bb) There are no feasible upland alternatives.

(cc) The log storage operation meets Department of Environmental Quality Standards for log storage.

(dd) The use is not proposed at sites which have long-established use for public recreation such as a boat launching site or a marina site.

(ee) Public need is demonstrated.

(c) (i) Uses.

(aa) Public docks and piers.

(bb) Private multifamily docks and piers.

(cc) Mooring buoys which are permanently anchored to estuary floor.

(dd) Dolphins.

(ii) Criteria and Conditions. The use will have minimal impact on natural and recreational resources in the area affected by the proposed use. The resources are as identified in the Lane County Rural Comprehensive Plan.

(d) (i) Uses.

(aa) Boat launching ramps.

(bb) Public beaches requiring estuarine modification.

(cc) Minor dredging to improve navigability.

(ii) Criteria and Conditions.

(aa) An estuarine location is required.

(bb) No alternative locations exist which are designated as Development in the Lane County Rural Comprehensive Plan.

(cc) Adverse impacts on resources are minimized. These resources are as identified in the Lane County Rural Comprehensive Plan.

(dd) No alternative shoreland locations exist for the portions of the use requiring fill.

(ee) Public need is demonstrated.

(e) (i) Uses. Erosion control structure, including, but not necessarily limited to, seawalls, bulkheads, groins and jetties.

- (ii) Criteria.
  - (aa) The criteria and conditions specified under Special Uses, LC 16.235(3)(d)(ii)(aa)-(ee) above are met.
  - (bb) The use being protected is water dependent.
  - (cc) Adverse impacts on water currents, erosion and accretion patterns are minimized as much as feasible.
  - (dd) Nonstructural solutions are inadequate to protect the use.
- (f) (i) Uses. Active estuarine restoration involving dredge or fill.
- (ii) Criteria.
  - (aa) Public need is demonstrated.
  - (bb) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.
  - (cc) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original Conditions.
- (g) (i) Uses Riprap and associated minor fills to protect preexisting structures or specified values.
- (ii) Criteria.
  - (aa) The use is required to protect human-made structures existing prior to October 7, 1977 or critical wildlife habitat in adjacent shorelands as identified in the Lane County Rural Comprehensive Plan.
  - (bb) Natural bank stabilization measures are inadequate.
- (h) (i) Uses.
  - (aa) High-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas.
  - (bb) Aquaculture requiring dredge and/or fill or other alteration of the estuary.
  - (cc) Minor navigational improvements.
  - (dd) Mining and mineral extraction, including dredging necessary for mineral extraction.
  - (ee) Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill.
- (ii) Criteria and Conditions.
  - (aa) The criteria and conditions listed under Special Uses LC 16.235(3)(d)(ii)(aa)-(ee) above are met.
  - (bb) The use is consistent with the resource capabilities of the area as measured by the following definition: a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or it is documented that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.
  - (cc) Associated land uses, if any, on adjacent shorelands comply with applicable Lane County land use and zoning regulations.
- (i) (i) Uses. Temporary alterations.
- (ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:



(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the CE-RCP zone.

(4) Applicable Natural Features. The boundaries of the CE-RCP Zone are defined by natural features. The CE-RCP Zone includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; those not included in the Natural Estuary Zone (NE-RCP). This zone also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as defined on the Lane County zoning maps as specified by LC 16.252(9).

(5) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal Permit, lease, easement or similar type of authorization.

(6) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

(a) The use is required for navigation or is otherwise water dependent and requires an estuarine location, or is specifically allowed by the CE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in LC 16.235(6)(b), (c) and (d) above are met.

(7) Telecommunication Towers. Notwithstanding LC 16.235(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.235 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

**DEVELOPMENT ESTUARY ZONE (DE-RCP)  
RURAL COMPREHENSIVE PLAN****16.236 Development Estuary Zone (DE-RCP).**

(1) Purpose. The primary purpose of the Development Estuary Zone DE-RCP is to provide for navigational needs and public, commercial and industrial water dependent uses which require an estuarine location. Uses which are water related or non-water dependent, non-related which do not damage the overall integrity of estuarine resources and values should be considered; provided they do not conflict with the primary purpose of the zone.

(2) Permitted Uses. In the DE-RCP Zone, the following types of uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exception set forth in this Chapter; provided that no such use may be permitted which involves dredging or filling of the estuary.

(a) The following waterborne transportation and associated water dependent activities and uses:

- (i) Navigational aides.
- (ii) Maintenance dredging of navigation channel.

(b) The following commercial activities and uses which are water dependent:

- (i) Marine fueling facilities.
- (ii) Marinas.
- (iii) Loading and unloading facilities such as piers or docks.

(c) The following industrial activities and uses which are water dependent:

- (i) Marine construction and repair facilities.
- (ii) Log storage.

(d) The following public facilities which are water dependent.

- (i) Marinas.
- (ii) Docks and piers and other moorages.
- (iii) Boat launching ramps.

(e) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Planning Director. The following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

(a) (i) Uses. Any water dependent use not specifically authorized in LC 16.236(2) above; provided that no such use may be permitted which involves dredging or filling of the estuary.

(ii) Criteria. The use is water dependent.

(b) (i) Uses. Flow-lane disposal of dredged material.

(ii) Criteria. Such action shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.

(c) (i) Uses. Flood and erosion control structures, including, but not necessarily limited to, jetties, seawalls, groins and bulkheads.

(ii) Criteria and Conditions.

(aa) The criteria specified in LC 16.236(4) below are met.

(bb) The structures are designed and sited to minimize erosion and human-induced sedimentation in adjacent areas.

(cc) The structures are designed and sited to minimize adverse impacts on water currents, water quality and fish and wildlife habitat.

(dd) The use or uses to be protected by the proposed structures are water dependent.

(d) (i) Uses. Riprap and associated minor fills to protect human-made structures existing prior to October 7, 1977.

(ii) Criteria and Conditions. Natural bank stabilization measures are inadequate.

(e) (i) Uses. All other uses; provided no dredging or filling is required.

(ii) Criteria.

(aa) A public need is demonstrated.

(bb) The use will not irrevocably limit future use of the area for water dependent commercial or industrial facilities.

(cc) The use will have minimal impact on resources, as identified in the Lane County Rural Comprehensive Plan, in the area affected by the proposed use.

(f) (i) Uses.

(aa) Low-intensity recreation which is water dependent.

(bb) Scientific and educational observation.

(cc) Active estuarine restoration.

(dd) Aquaculture.

(ee) Communication facilities.

(ff) Bridge crossing support structures.

(ii) Criteria and Conditions .

(aa) The criteria specified in LC 16.236(4) below are met for any use or activity requiring dredge or fill.

(bb) The use or activity will not irrevocably limit the future or present use of the area for water dependent commercial or industrial facilities.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

(g) (i) Uses. Any uses specified in LC 16.236(2) above which involve dredging or filling of the estuary.

(ii) Criteria. The criteria specified in LC 16.236(4) below.

(h) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the DE-RCP zone.

(4) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

(a) The use is required for navigation or is otherwise water dependent, and requires an estuarine location, or is specifically allowed by the DE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements of LC 16.236(4)(b), (c) and (d) above are met.

(5) Applicable Physical, Geographical or Natural Features. The DE-RCP Zone is designed to apply to navigation channels, subtidal areas for in-water disposal of dredged material, major navigational appurtenances, deep water areas adjacent to the shoreline and areas of minimal biological significance needed for uses requiring alteration of the estuary. These are as defined on the Lane County zoning maps as specified by LC 16.252(9).

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Telecommunication Towers. Notwithstanding LC 16.236(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.236 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

**SIGNIFICANT NATURAL SHORELANDS COMBINING ZONE (/SN-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.237 Significant Natural Shorelands Combining Zone (/SN-RCP).**

(1) Purpose. The Significant Natural Shorelands Combining Zone /SN-RCP is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing a combination of unique physical, social or biological characteristics requiring protection from intensive human disturbances. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /SN-RCP Zone is applied to prominent aesthetic features, such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas.

The /SN-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN-RCP Zone that require protection beyond that provided by the zone or zones with which the /SN-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /SN-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /SN-RCP Zone is combined. Where the requirements of the /SN-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(10) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /SN-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Shore-secured floating moorage facilities in adjacent water areas.

(f) Dredged material disposal when the /SN-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(g) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /SN-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237(6), (7) and (8) below.

(ii) Criteria and Conditions.

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

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

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

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

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

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /SN-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.237(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.

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

(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.

(dd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

- (ii) Criteria.
    - (aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.
    - (bb) Natural bank stabilization methods are unfeasible or less appropriate.
  - (f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.
    - (ii) Criteria.
      - (aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling-type floating piers.
      - (bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).
      - (cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.
- (5) Prohibited Uses. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following uses are specially prohibited:
  - (a) Fill in coastal lakes.
  - (b) Fill in freshwater marsh areas as identified in the Lane County Rural Comprehensive Plan.
- (6) Site and Development Requirements. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.
  - (a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.
  - (b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.
  - (c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.237(6)(a) above. Where vegetation removal beyond that allowed in LC 16.237(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.
  - (d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /SN-RCP Zone is combined.
  - (e) No topographic modification is permitted within the 100-foot setback area specified by LC 16.237(7) below.
  - (f) The shoreward half of the setback area specified by LC 16.237(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.
  - (g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.237(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.237(7) below.

(i) All mature trees must be retained within the setback area specified by LC 16.237(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

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

Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /SN-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 100 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 100 feet shall be as specified in LC 16.237(6)(e)-(h) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /SN. RCP Zone, based on the Preliminary Investigation in LC 16.237(10) below. These criteria are in addition to minimum area requirements of any zone combined with the /SN-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development:

(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact quality, and not increase hazard to life or property.

(b) For lands not within urban or urbanizable areas or lands developed or committed to development:

(i) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Additional Area Requirements. Land divisions meeting the above specified criteria are permitted, subject to the minimum area requirements of the respective zone or zones with which the /SN-RCP Zone is combined or 10 acres, whichever is greater.

(10) Preliminary Investigation. Any proposal for development within the /SN-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /SN-RCP Zone shall apply. The requirements of the /SN-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and floodway fringe.



(ii) Land lying between the mean high water and mean low watermark of the coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat. Other than that listed in LC 16.237(10)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands, identified in the Lane County Coastal Inventory.

(11) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(12) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels

subject to the requirements of the /SN-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.237(10) above.

(13) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.080 except for LC 14.080(1)(a).

(14) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(15) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(e) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(16) Application of Zone to Federal Lands. The application of the /SN-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10; 7-12, 12.28.12)*

**PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.238 Prime Wildlife Shorelands Combining Zone (/PW-RCP).**

(1) Purpose. The Prime Wildlife Shorelands Combining Zone (/PW-RCP) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species or a diversity of wildlife species. Lands in this zone serve to protect wildlife habitat, water quality, bank stability and provide flood control. The /PW RCP Zone is applied to areas of riparian vegetation and to the habitat limits of specific species of concern.

The /PW-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /PW-RCP Zone that require protection beyond that provided by the zone or zones with which the /PW-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /PW-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /PW-RCP Zone is combined. Where the requirements of the /PW-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /PW-RCP Zone by the Preliminary Investigation specified by LC 16.238(9) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /PW-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Dredged material disposal when the /PW-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(f) Shore-secured floating moorages, mooring buoys, multipurpose-multifamily, piling-docks and piers, dolphins and other moorage facilities in adjacent lakes and Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /PW-RCP Zone based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the following specified uses and no others are subject to prior submittal and approval, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

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

(ii) Criteria. All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /PW-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.238(6), (7) and (8) below.

(ii) Criteria and Conditions.

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

(bb) The structures shall not occupy more than 30 percent of the lot area.

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

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

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

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary.

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /PW-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /PW RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.238(5) below.

(ii) Criteria.

(aa) Maintain the natural quality of surface and subsurface waters.

(bb) Maintain bank stability.

(cc) Avoid sedimentation of coastal waters.

(dd) Maintain a shore-front zone of riparian vegetation at least comparable to that required in LC 16.238(6), (7) and (8) below or greater, if necessary, to provide flood control and preserve important riparian wildlife habitat.

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

(ff) Any other applicable criteria provided within the respective zone with which the /PW-RCP Zone is combined.

(gg) All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

- (ii) Criteria.
    - (aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.
    - (bb) Natural bank stabilization methods are unfeasible or less appropriate.
- (f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.
  - (ii) Criteria.
    - (aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-living type floating piers.
    - (bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).
    - (cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.
- (5) Prohibited Uses. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigations specified by LC 16.238(9) below, the following uses are specifically prohibited:
  - (a) Fill in coastal lakes.
  - (b) Fill in freshwater marsh areas as identified in Lane County Rural Comprehensive Plan.
  - (c) New piling-type piers of any descriptions when adjacent to a Natural Estuary Zone (NE-RCP).
  - (d) Dredged material disposal.
- (6) Site and Development Requirements. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.
  - (a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.
  - (b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.
  - (c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a) above. Where vegetation removal beyond that allowed in LC 16.238(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.
  - (d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /PW-RCP Zone is combined.
  - (e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).

(f) The shoreward half of the setback area specified by LC 16.238(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7) below.

(i) All trees must be retained within the setback area specified by LC 16.238(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

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

(l) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /PW-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development:

(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(ii) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.

(iii) Minimum area requirements for the division of land shall be based on the minimum parcel size in the zone with which the /PW-RCP Zone is combined, or five acres, whichever is greater.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

- (i) Floodways and the floodway fringe.
- (ii) Land lying between the mean high, high water and mean low water mark of coastal water bodies.
- (iii) Dikes, dams, levees or steep embankments which control the coastal water body.
- (iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

- (i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.
- (ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.
- (iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone (LC 16.243) would be inadequate to protect water quality, water temperature or shoreland stability.

(c) Natural or human-made riparian resources. These lands are as follows:

- (i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:
  - (aa) Shading of coastal water body.
  - (bb) Stabilization of shoreline.
  - (cc) Habitat for rare or endangered wildlife species.
  - (dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat, composed of:

- (i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.
- (ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.
- (iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(10) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(11) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /PW-RCP Zone and shall set forth the basis for the determination based on the criteria specified in LC 16.238(9) above.

(12) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.080 except for LC 14.080(1)(a).

(13) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(14) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(e) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(15) Application of Zone to Federal Lands. The application of the /PW-RCP Zone shall be held in abeyance until such time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 6-10, 9.17.10; 7-10, 11.25.10)*

## **NATURAL RESOURCES CONSERVATION COMBINING ZONE (/NRC-RCP) RURAL COMPREHENSIVE PLAN**

### **16.239 Natural Resources Conservation Combining Zone (/NRC-RCP).**

(1) Purpose. The Natural Resources Conservation Zone (/NRC-RCP) is applied to those coastal area shorelands identified in inventory information as timber lands, agricultural lands or shorelands in dune areas. It is the purpose of the /NRC-RCP zone to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities



which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal waters.

The /NRC-RCP Zone is specifically designed to carry out the following purposes:

- (a) Conservation and maintenance of renewable resources, primarily silvicultural and agricultural.
- (b) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.
- (c) Enhancement of renewable resources such as the coastal fisheries and timber industries.
- (d) Allow for recreation and public access to coastal waters.

The /NRC-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /NRC-RCP Zone which require protection beyond that provided by the zone or zones with which the /NRC-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /NRC-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /NRC-RCP Zone is combined. Where the requirements of the /NRC-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /NRC-RCP Zone by the Preliminary Investigation specified by LC 16.239(8) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /NRC-RCP Zone is combined.

(b) Agricultural activities and general farming uses and structures as permitted by the zone or zones with which the /NRC-RCP Zone is combined.

(c) Dredged material disposal when the /NRC-RCP Zone is in conjunction with the /DMS-RCP Zone.

(d) Shore-secured floating moorage facilities in adjacent water areas.

(e) Public, commercial or private, multifamily, multi-use piling-docks and piers in adjacent lakes and in estuary zones, subject to the requirements of the respective estuary zones.

(f) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(g) Harvesting of wild crops.

(h) Low-intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the following specified uses and no others are subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family dwelling units and mobile homes and such accessory buildings as allowed in the underlying zone.

(ii) Criteria. All requirements set forth in LC 16.239(5), (6) and (7) below are met.

(b) (i) Uses. Single family dwelling units and mobile homes as allowed in the zone or zones with which the /NRC-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.239(5), (6) and (7) below.

(ii) Criteria.

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

(bb) The structures shall not occupy more than 30 percent of lot area.

(cc) All applicable height restrictions are observed.

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

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation criteria by LC 16.239(5) below is minimized.

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

(c) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes or Development or Conservation Estuary Zones.

(ii) Criteria.

(aa) The applicant shall attest in writing that there are no viable alternatives to the construction of a private, single-family structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zones are met.

(d) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.239(5)(d) below.

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(e) (i) Uses. All permitted buildings and uses, special uses or conditional uses allowed in the respective zone with which the /NRC-RCP Zone is combined, subject to the development, setback and area requirements of this section, except where expressly prohibited by this section.

(ii) Criteria.

(aa) All applicable criteria provided with the respective zone with which the /NRC-RCP Zone is combined are met.

(bb) All requirements set forth in LC 16.239(5), (6) and (7) below are met.

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

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

(f) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977, or to protect public or private roads, bridges or railroads.

(bb) Natural bank stabilization methods are unfeasible.

- (g) (i) Uses. Fills in coastal lakes adjacent to the /NRC-RCP Zone.
- (ii) Criteria and Conditions.

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

(bb) Cumulative and direct impacts on water quality must be minimized.

(cc) The benefits of the proposed fill to long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality.

(5) Site and Development Requirements. If found subject to the requirement of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /NRC-RCP is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /NRC-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

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

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

(c) Thirty feet of indigenous riparian vegetation shall be retained along all coastal water bodies. This shall be measured at right angles from the mean high waterline of the coastal water body.

(d) Existing trees must be retained with an area 50 feet in width measured at right angles from the mean high waterline of the coastal water body.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.239(6) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.239(6) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /NRC-RCP Zone is combined.

(h) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(6) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /NRC-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from the coastal lakes measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.239(5)(c)-(f) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(7) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /NRC-RCP Zone, based on the Preliminary Investigation in LC 16.239(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /NRC-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /NRC-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /NRC-RCP Zone shall apply. The requirements of the /NRC-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply:

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and the floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.

(iii) Dikes, dam, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.239(8)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(9) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(10) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels, subject to the requirements of the /NRC-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.239(8) above.

(11) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.080 except for LC 14.080(1)(a).

(12) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(13) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Where applications for development are received for lands zoned for timber production, said applications shall be referred to the District Forester of the Oregon Department of Forestry. The District Forester shall have a 14-day "review and comment" period to evaluate the impact of the proposed development on the timber productivity of the parcel and adjacent lands.

(e) Improvements to ocean shore areas (as defined in ORS 390.065) are subject to a permit from the Oregon Department of Transportation.

(14) Application of Zone to Federal Lands. The application of the /NRC-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10)*

## **RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD-RCP) RURAL COMPREHENSIVE PLAN**

### **16.240 Residential Development Shorelands Combining Zone (/RD-RCP).**

(1) Purpose. The Residential Development Combining Zone (/RD-RCP) is applied to coastal shorelands areas suited to residential development within urbanizable areas and to lands outside of urbanizable areas which have been committed to residential use by their development pattern, including actual development and the platting of subdivision lots. Within these areas, the /RD-RCP Zone is designed to ensure:

- (a) Development in a manner that will protect water quality.
- (b) Preservation and enhancement of riparian vegetation.
- (c) Provision of recreational use of shorelands.
- (d) Diversification of shorelands uses.

The /RD-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /RD-RCP Zone that require protection beyond that provided by the zone or zones with which the /RD-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /RD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /RD-RCP Zone is combined. Where the requirements of the /RD-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /RD-RCP Zone by the Preliminary Investigation specified by LC 16.240(9) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section:

- (a) Shore-secured floating moorage facilities in adjacent estuaries and lakes.
- (b) Private multifamily, multi-use type docks and piers in adjacent lakes and estuarine areas, if permitted by the respective estuary zone.
- (c) Dredged material disposal when the /RD-RCP Zone is used in conjunction with the /DMS-RCP Zone.
- (d) Commercial or public docks and piers; provided such uses conform to the purposes of the zone or zones with which the /RD-RCP Zone is combined and provided such uses conform to the requirements of the respective estuary zone.

(e) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(f) Harvesting of wild crops.

(g) Low intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.240(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /RD-RCP Zone is combined, but where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.240(6), (7) and (8) below.

(ii) Criteria and Conditions.

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

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

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

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

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

(c) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /RD-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.240(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone or zones with which the /RD-RCP Zone is combined are met.

(bb) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Water Pollution Control Division shall be the proper consulting agency in this regard.

(cc) All requirements set forth in LC 16.240(6), (7) and (8) below are met.

(d) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes and estuary. (No piling-type piers are permitted in the Natural Estuary Zone (NE-RCP)).

(ii) Criteria.

(aa) The applicant shall attest in writing, subject to confirmation by the Planning Director, that there are no viable alternatives to the construction of a private, single-family pier or dock structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zone are met.

(e) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.240(6).

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(f) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) Natural erosion processes threatening a water-dependent use(s) or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(5) Prohibited Uses. The following uses or activities are expressly prohibited in the /RD-RCP Zone: Fills in coastal lakes adjacent to the /RD-RCP Zone.

(6) Site and Development Requirements. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the below specified development requirements shall be in addition to those provided by the respective zone or zones with which the /RD-RCP Zone is combined. These requirements shall not apply to timber harvest activities where the underlying zone allows timber harvesting as a permitted use. In such areas, timber harvesting activities shall conform to Oregon Forest Practices Act rules.

(a) Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the structures, necessary access, septic requirements and fire safety requirements.

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

(c) Within the setback area specified under LC 16.240(7) below, all indigenous riparian vegetation, except that removed to provide paths to the water body, shall be retained within an area 30 feet in width measured at right angles from the mean high waterline of the water body. For the remainder of the required setback area, brush may be removed, but trees shall be retained.

(d) Where riparian vegetation does not exist along the shoreline of the estuary or coastal lakes, an area 30 feet in width, measured at right angles to the shoreline, shall be planted in indigenous vegetation or other vegetation which will aid in bank stabilization and prevent sedimentation of the water body. Areas necessary for access to the water body are exempted from this requirement. Continued maintenance of this vegetation shall be the responsibility of the landowner.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.240(7) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.240(7) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /RD-RCP Zone is combined.



(h) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /RD-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.240(6)(c)-(f) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /RD-RCP Zone, based on the Preliminary Investigation in LC 16.240(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /RD-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /RD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /RD-RCP Zone shall apply. The requirements of the /RD-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and the floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26 foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

- (aa) Shading of coastal water body.
- (bb) Stabilization of shoreline.
- (cc) Habitat for rare or endangered wildlife species.
- (dd) Significant riparian vegetation areas as identified in the

Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.240(9)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(10) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(11) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /RD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.240(9) above.

(12) Appeal to the Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.080 except for LC 14.080(1)(a).

(13) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(14) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information

required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(15) Application of Zone to Federal Lands. The application of the /RD-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10)*

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**SHORELANDS MIXED DEVELOPMENT COMBINING ZONE (/MD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.241 Shorelands Mixed Development Combining Zone (/MD-RCP).**

(1) Purpose. The Shorelands Mixed Development Combining Zone (/MD-RCP) is applied to those coastal shorelands which are recognized in the Lane County Rural Comprehensive Plan and supportive technical data as being all or partially committed to commercial and industrial uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that they be preserved for the expansion of existing water dependent and water related commercial or industrial uses; provided such uses cannot be accommodated within the urbanizable or urbanized area of the City of Florence.

The /MD-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /MD-RCP Zone that require protection beyond that provided by the zone or zones with which the /MD-RCP Zone is combined, and imposes additional development requirements within those boundaries.

In addition, the /MD-RCP Zone is specifically intended to carry out the following purposes:

- (a) Provision, adjacent to deep water environments or shoreland sites for use by water dependent and water related commercial and industrial uses.
- (b) Protection of previously existing water dependent and water related commercial and industrial sites in shoreland areas.
- (c) Provision of opportunities for non-water dependent or non-water related uses within the parameters of the Lane County Rural Comprehensive Plan and Statewide Planning requirements.
- (d) Protection of coastal waters and avoidance of geologic and hydrologic hazards.

(2) Intent. The requirements imposed by the /MD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /MD-RCP Zone is combined. Where the requirement of the /MD-RCP Zone conflict with the requirement of the zone or zones with which it is combined, the more restrictive requirements shall apply. Non-water dependent or non-related uses shall only be allowed if the parcel in question has been demonstrated unsuited for water dependent or water related uses.

(3) Permitted Uses. In areas found subject to the requirements of the /MD-RCP Zone by the Preliminary Investigation specified by LC 16.241(8) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section:

- (a) The following boat moorage and storage facilities:
  - (i) Dry land storage.
  - (ii) Shore-secured floating moorage facilities, mooring buoys, piling-type piers and launch ramps; provided such facilities are located within adjacent Development Estuary Zones (DE-RCP) or a lake.
- (b) The three wood processing facilities identified and found to be water dependent in the Coastal Goals Compliance Report element of the Lane County Rural Comprehensive Plan.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the following specified uses and no others are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.

(a) (i) Uses. Water dependent and water related commercial and industrial uses outside of urban and urbanizable areas.

(ii) Conditions and Criteria.

(aa) Uses cannot be accommodated within an urban or urbanizable area.

(bb) The site has the potential for water dependent and water related uses.

(cc) Short-term economic gain or convenience in development shall be evaluated in relation to potential long-term effects on the estuary and shoreland, as well as the long-term economy of the area.

(dd) Visual attractiveness of design and layout is considered.

(ee) Maintain or encourage riparian vegetation for erosion control, bank stabilization, maintenance of water quality and temperature aesthetics where feasible.

(b) (i) Uses. New single-family dwelling units and mobile homes or other residential units and accessory buildings as allowed in the underlying zones outside of urban and urbanizable areas.

(ii) Criteria and Conditions.

(aa) The parcel is unsuited to water dependent or water related uses.

(bb) All requirements set forth in LC 16.241(6), (7) and (8) below are met.

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in other than a Development Estuary Zone (DE-RCP) or a lake.

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility meets the requirements of the respective estuary zone.

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /MD-RCP Zone is combined.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone with which the /MD-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as may be provided otherwise by the provisions of LC 16.241(3), (4) and (5) above and below.

(ii) Criteria and Conditions. The use is water dependent or water related, or if the parcels are unsuited to water dependent uses, then uses which are non-dependent, non-related, conforming to the requirements of the underlying zone and the requirements of LC 16.241(3), (4) and (5) above and below.

(e) (i) Uses. Artificial bank stabilization.

(ii) Criteria.

(aa) Natural erosion processes threatening a water dependent use(s), or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are deemed unfeasible or less appropriate.

(f) (i) Uses. Filling coastal lakes or estuary adjacent to /MD-RCP Zone.

(ii) Criteria and Conditions.

(aa) Cumulative effects of all such fills shall be considered.

(bb) The fill is required to protect a water dependent use from erosion.

(cc) All requirements set forth in LC 16.241(6)(b) and (c) and LC 16.241(7) and (8) below apply.

(dd) If the fill meets the requirements of the respective estuary zone and the requirements of State and Federal agencies.

(5) Determination of Land Suitable for Water Dependent/Water Related Uses.

The following criteria shall be used to determine the suitability of land found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation, for water dependent, water related uses. Land not possessing one or more of the following characteristics shall be considered unsuitable for such uses:

(a) Land adjacent to deep water close to shore with supporting land transport facilities suitable for ship and barge facilities.

(b) Aquaculture suitability.

(c) Protected areas adjacent to shore, subject to scour which would require little dredging for marina use.

(d) Potential for high intensity recreational use of water body and existing riparian resources. Such areas include those areas used traditionally for high intensity recreation or exceptional aesthetic resources.

(6) Site and Development Requirements. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /MD-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /MD-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) Riparian vegetation shall be maintained or encouraged to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water dependent or water related use.

(b) The applicant must submit a complete analysis of all physical and biological impacts upon the shorelands area and upon coastal waters and water resources. The report shall consider, at a minimum, the critical relationships which exist between coastal shorelands and coastal water resources and the potential for geological and hydrological hazards:

(c) The benefits of the proposed activity to the long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature and resources, bank stabilization, erosion control and general aesthetics.

(d) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /MD-RCP Zone, based on the Preliminary Investigation in LC 16.241(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /MD-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /MD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /MD-RCP Zone shall apply. The requirements of the /MD-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply:

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of;

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat, composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas



which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.241(8)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(9) Fees for Preliminary Investigation. To partially defray the expense in performing the preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(10) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /MD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.241(8) above.

(11) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.080 except for LC 14.080(1)(a).

(12) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(13) Application of Zone to Federal Lands. The application of the /MD-RCP Zone shall be held in abeyance until such time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10)*

**DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP)  
RURAL COMPREHENSIVE PLAN****16.242 Dredge Material Mitigation Site Combining Zone (/DMS-RCP).**

(1) Purpose. The Dredge Material/Mitigation Site Combining Zone (/DMS-RCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Rural Comprehensive Plan. The purpose of the /DMS-RCP Zone is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS-RCP Zone may only be applied, where appropriate, in combination with the three Estuary Zones (/NE-RCP, /CE-RCP, or /DE-RCP), or with the Significant Natural Shorelands Combining Zone (/SN-RCP), Natural Resources Conservation Combining Zone (/NRC-RCP), Residential Development Shorelands Combining Zone (/RD-RCP) and Shorelands Mixed Development Combining Zone (/MD-RCP) and the underlying zones with which the Shorelands zones are combined.

(2) Permitted Uses and Buildings.

(a) Farm uses as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(b) Propagation and harvesting of forest products as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(c) Dredged material deposition; provided, however, such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.

(d) Activities in conjunction with a mitigation plan approved by the Division of State Lands; provided, however, such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan.

(3) Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to prior submittal and approval of of an application pursuant to Type II procedures of LC Chapter 14, based on the criteria below. The following criteria apply to review of a use in the /DMS-RCP Zone:

(a) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this zone; or

(b) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project.

(4) Stabilization of Dredged Materials. It shall be the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained.

(5) Responsibility to Acquire Mitigation/Restoration Sites. It shall not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation channel and development of the estuary. It shall also not be the responsibility of Lane County to acquire sites for restoration to the estuary. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 7-12, 12.28.12)*

**BEACHES AND DUNES COMBINING ZONE (/BD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.243 Beaches and Dunes Combining Zone (/BD-RCP).**

(1) Purpose. The Beaches and Dunes Combining Zone (/BD-RCP) is intended to be used in conjunction with the underlying zones in all coastal beach and dune areas in order to:

- (a) Ensure the protection and conservation of coastal beach and dune resources.
- (b) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.
- (c) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.
- (d) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.
- (e) To provide for such protection of beach and dune resources above and beyond that provided by the underlying zone.

(2) Intent. The requirements imposed by the /BD-RCP Zone shall be in addition to those imposed by the underlying zone. Where the requirements of the /BD-RCP Zone conflict with those of the underlying zone, the more restrictive requirements shall apply.

(3) Permitted Uses. All permitted buildings and uses allowed in the respective zone with which the /BD-RCP Zone is combined, except as may be provided otherwise by the provisions of LC 16.243(4) below.

(4) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, upon satisfaction of the applicable criteria:

- (a) (i) Uses. Beachfront protective structures.
- (ii) Criteria.
  - (aa) The structure is to protect development existing on January 1, 1977.
  - (bb) Visual impacts are minimized.
  - (cc) Public access is preserved.
  - (dd) Negative impacts on adjacent property are minimized.
  - (ee) Long-term or recurring costs to the public are avoided.
- (b) (i) Uses. Buried fuel tanks.
- (ii) Criteria.
  - (aa) The tanks are entirely free of leaks and have and impermeable coating.
  - (bb) The tank is located, to the greatest extent feasible, in a well-drained area.
  - (cc) The tank is not located in active foredunes, on other conditionally stable foredunes which are subject to ocean undercutting or wave overtopping, and on deflation plains subject to ocean flooding.
- (c) (i) Uses. Commercial removal of sand.
- (ii) Criteria.
  - (aa) The area is not an ocean beach.
  - (bb) Historic surplus accumulations of sand exist.
  - (cc) A Site Investigation Report, as determined by the outcome of a Preliminary Investigation pursuant to LC 16.243(10) below.

(dd) Removal of surplus sand can be accomplished without significant impairment of the natural functions of the beach and dune system, and hydraulic processes according to the Site Investigation Report.

(d) (i) Uses. Foredune breaching.

(ii) Criteria and Conditions.

(aa) The breaching is required to replenish sand supply in interdune areas; or

(bb) Emergencies on a temporary basis.

(cc) Such breaching does not endanger existing development.

(dd) The breaching does not adversely impact critical wildlife habitat.

(ee) The areas affected by the breaching are restored.

(e) (i) Uses. Commercial drift log removal from beaches.

(ii) Criteria.

(aa) The removal will result in significant public benefit, improved recreational access, improved scenic values or protection of wildlife habitat.

(bb) The removal will not result in increased beach or foredune erosion which will endanger existing development.

(f) (i) Uses. Jetties on beach areas.

(ii) Criteria.

(aa) Adverse impacts on existing beach and shoreline development are minimized.

(bb) Public need is demonstrated.

(g) (i) Uses. All buildings and uses allowed conditionally or by special use approval in the respective zone with which the /BD-RCP Zone is combined.

(ii) Criteria and Conditions.

(aa) Applicable criteria provided within the respective zone with which the /BD-RCP Zone is combined.

(bb) All other provisions of this section.

(5) Prohibited Development Areas. No development, with the exception of minimal development, shall be permitted on the following dune landforms:

(a) Beaches, except as provided for in LC 16.243(4)(a) above.

(b) Foredunes, if subject to wave overtopping or ocean undercutting.

(c) Active dune forms.

(d) Nearshore deflation plain. The prohibition of development of active dune areas is not intended to prohibit the stabilization of open sand areas with appropriate pioneer and successional species, thereby removing these lands from the active dune classification.

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special permit review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement of similar type of authorization.

(7) Coastal Shore Setback Requirements. Any development, with the exception of development provided for as special uses in LC 16.243(4)(a) above, which is permitted adjacent to ocean beaches must be setback from the mean high tide line a minimum of 50 feet measured horizontally. This setback may be increased if the Preliminary Investigation indicates hazard to the site due to:

- (a) Low elevation of the site with respect to potential for wave action.
- (b) Instability of dune landforms protecting the site from wave action.

(8) Additional Site and Development Requirements. The following requirements apply to all development, except the harvesting of timber as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:

(a) Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.

(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

(c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(8)(a) above shall be replanted within nine months of the termination of major construction activity.

(d) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(e) Development shall result in the least topographic modification of the site as is possible.

(f) Slopes in excess of 25 percent shall be prohibited from development.

(g) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.

(h) The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the respective zone with which the /BD-RCP Zone is combined, unless specifically provided otherwise by the provision of the /BD-RCP zone.

(9) Area Requirements. The minimum area for the division of land may be increased where the requirement otherwise is insufficient to meet the following standards:

(a) Environmental Quality Commission nitrate nitrogen loading standards for subsurface sewage disposal.

(b) No more than five percent impermeable surface shall be allowed.

(10) Preliminary Investigation Required. Any proposal for development, with the exception of minimal development or timber harvesting activities as permitted by the respective zone with which the /BD-RCP zone is combined, shall require a Preliminary Investigation (Development Hazards Checklist) by the Planning Director to determine:

(a) The dune landform(s) present on the site.

(b) Hazards associated with the site.

(c) Hazards presented by adjacent sites.

(d) Existence of historical or archeological sites.

(e) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.

(f) Potential development impacts, including cumulative impacts.

(g) If a full or partial Site Investigation Report shall be required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

(11) Fee for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(12) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

(13) Notification of SIR Requirement. The Planning Director shall notify the applicant of the results of the Preliminary Investigation and if a SIR shall be required. The notification shall be by mail within 10 days of completion of the Preliminary Investigation.

(14) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(15) Qualifications for SIR Preparation. The SIR shall be prepared by a person or team of persons qualified by experience, training and area. The applicant shall either:

(a) Choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, and approved by the Board of County Commissioners; or

(b) Designate a person or team of persons to prepare the SIR with said persons' qualifications, subject to the approval of the Planning Commission, based on standards established by the Board of County Commissioners.

(16) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

(17) Condition Imposed Based on SIR Recommendations. Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development for the purposes of safety, health, welfare and in keeping with the purpose of the /BD-RCP Zone.

(18) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.080 except for LC 14.080(1)(a).

(19) Applicable Geographical Features. The /BD-RCP Zone is applied to all coastal beach and dune landforms as specified in the Lane County Rural Comprehensive Plan. These are:

- (a) Beaches.
- (b) Foredunes.
- (c) Active dune forms.
- (d) Recently stabilized dune forms.
- (e) Older stabilized dune forms.
- (f) Interdune forms.

The boundaries of the /BD-RCP Zone are shown on the Lane County zoning maps as specified by LC 16.252.

(20) Application of Zone to Federal Lands. The application of the /BD-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 6-10, 09.17.10; 7-10, 11.25.10)*

**FLOODPLAIN COMBINING ZONE (/FP-RCP)  
RURAL COMPREHENSIVE PLAN****16.244 Floodplain Combining Zone (/FP-RCP).**

(1) Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this section are designed to:

- (a) Protect human life and health.
- (b) Minimize expenditure of public money and costly flood control projects.
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (d) Minimize prolonged business interruptions.
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazards.
- (f) Help maintain a stable tax base by providing for the sound use and development of areas as special flood hazard so as to minimize future flood blight areas.
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) Methods of Reducing Flood Losses. In order to accomplish its purpose, this section includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- (d) Controlling filling, grading, dredging and other development, which may increase flood damage.
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(3) Lands to Which This Section Applies. This section shall apply to all areas of flood hazard within Lane County, and overlay the regulations of the underlying zone.

(a) Areas of flood hazard for Lane County under the jurisdiction of the Rural Comprehensive Plan are identified by the Federal Insurance Administration in a scientific and engineering report entitled "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON UNINCORPORATED AREAS", with accompanying Flood Insurance Rate Maps.

(b) Areas of flood hazard shall also include any land area designated by the Director as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.

(c) Flood hazard areas shall be adopted by Board Order, made a part of Lane Manual (LM 11.020) and filed in the office of the Department. Such studies shall form the basis for the administration and implementation of this section.

(4) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or

natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(5) Development Subject to Director Approval. Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, and "development" as this term is defined in LC 16.244(6). Application for approval shall be filed with the Department pursuant to Type I procedures of LC Chapter 14.

(6) Definitions. Except as otherwise provided in LC 16.244, the definitions below shall be used for LC 16.244.

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

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

Development. For the purposes of LC 16.244, development is defined in LC 16.090, and shall include dredging, paving, and drilling operations and the storage of equipment and materials.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

Flood Elevation Determination. A determination by the Director of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administrations that includes flood profiles and the water surface elevation of the base flood.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.



Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation more than one foot.

Start of Construction. For the purposes of LC 16.244, the start of construction is defined in LC 16.090, and shall include the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(7) Requirements of the Director. The Director shall:

(a) Review all development applications to determine that the permit requirements of this section have been satisfied.

(b) Review all development applications to determine that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.

(c) Review all development applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of LC 16.244(8)(d) are met.

(d) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer this section.

(e) Where base flood elevation data is provided through the Flood Insurance Study or required as in LC 16.244(7)(d), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(f) For all new or substantially improved flood-proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and

(ii) Maintain the flood-proofing certifications required for elevation of nonresidential construction in zones A1-10, AH and AE.

(g) Maintain for public inspection all records pertaining to the Provisions of this section.

(h) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(i) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

(j) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the Hearings Official as provided in LC 14.080 except for LC 14.080(1)(a).

(k) Record a notice of designation of substantial damage to a residential structure at Lane County Deeds and Records when the residential structure meets (i) and (ii) below. This form will be provided by the Director. Once the structure has been brought into compliance and at the request of the property owner, the Director is required to sign a notice of remedy of substantial damage that is recorded at Lane County Deeds and Records. The notice of remedy will declare the previously recorded notice of substantial damage void.

(i) Has sustained substantial damage; and

(ii) Has not been brought into compliance with LC 16.244.

(8) Provisions for Flood Hazard Reduction. In all areas of flood hazard, the following standards are required:

(a) Provisions applicable to Unnumbered A, A1-10, AH and AE zones:

(i) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(iii) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building and manufactured home placement permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include the use of historical data, high water marks, photographs of past flooding, etc., where available.

(c) Floodways. Located within areas of special flood hazard established in LC 16.244(3) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(i) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This

evidence shall utilize hydrologic and hydraulic analyses performed in accordance with standard engineering practices.

(ii) Where base flood elevations have been provided but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(iii) If LC 16.244(8)(c)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions for development in zones A1-30, AH and AE.

(iv) Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway.

(d) Development in areas of special flood hazard shall also comply with the provisions in *Table 1: Provisions for Flood Hazard Reduction*.

*Table 1: Provisions for Flood Hazard Reduction*

| <b>Flood Zone</b> | <b>Foundations and Anchoring</b>   |
|-------------------|--|
| Unnumbered A      | <p>(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.</p> <p>(2) All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.</p>  |
| A1-30, AH and AE  | <p>(1) All new construction and substantial improvements subject to less than 18 inches of flood water during a 100-year flood shall be anchored to prevent flotation, collapse and lateral movement.</p> <p>(2) All manufactured homes subject to less than 18 inches of flood water during a 100-year flood shall be anchored and/or supported to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.</p> <p>(3) All new construction, substantial improvements and manufactured homes not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood, shall be anchored to prevent flotation, collapse, and lateral movement which may reasonably occur independently or combined. Designs for meeting this requirement shall be certified by an Oregon registered engineer or architect.</p> <p>(4) All manufactured homes in existing manufactured home parks and existing manufactured home subdivisions shall be anchored to prevent flotation, collapse, and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.</p> <p>(5) Foundations for all new construction, substantial improvements, and manufactured homes that are not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood or located within a designated floodway, shall be certified by an Oregon registered professional engineer or architect to meet the following minimum foundation</p> |

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|                   | <p>requirements:</p> <ul style="list-style-type: none"> <li>(a) concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted.</li> <li>(b) footings extending below the frost line.</li> <li>(c) reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined.</li> </ul> <p>(6) All Manufactured homes located in an existing manufactured home park or existing manufactured home subdivision shall be supported in accordance with the State of Oregon, Manufactured Dwelling Standard.</p>  |
| <b>Flood Zone</b> | <b>Utilities</b>   |
| Unnumbered A      | <ul style="list-style-type: none"> <li>(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.</li> <li>(2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and</li> <li>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</li> </ul>   |
| A1-30, AH and AE  | <ul style="list-style-type: none"> <li>(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Public water systems which utilize wells for a source(s) shall be constructed such that the top well elevation is at least one foot above the 100-year flood elevation.</li> <li>(2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.</li> <li>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</li> </ul> |
| <b>Flood Zone</b> | <b>Elevation: Residential</b>  |
| Unnumbered A      | New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the highest adjacent grade. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."   |
| A1-30, AH and AE  | New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."  |
| <b>Flood Zone</b> | <b>Elevation: Nonresidential</b>   |
| Unnumbered A      | New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest  |

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|                   | <p>floor, including basement, elevated two feet above grade; or, together with attendant utility and sanitary facilities, shall be flood-proofed to a level two feet above the highest adjacent grade, so the structure is watertight with walls substantially impermeable to the passage of water.</p>  |
| A1-30, AH and AE  | <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:</p> <ul style="list-style-type: none"> <li>(a) be flood-proofed to one foot above the base flood level, so the structure is watertight with walls substantially impermeable to the passage of water;</li> <li>(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</li> <li>(c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in LC 16.244(7)(f)(ii). Nonresidential structures that are elevated, not flood-proofed, must meet the same standards as residential construction of fully enclosed areas below the lowest floor in zones A1-30, AH and AE.</li> <li>(d) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).</li> </ul> |
| <b>Flood Zone</b> | <b>Elevation of Manufactured Homes</b>   |
| Unnumbered A      | <ul style="list-style-type: none"> <li>(1) All manufactured homes not in an existing manufactured home park or subdivision shall have the lowest floor elevated two feet above the highest adjacent grade.</li> <li>(2) All manufactured homes within an existing manufactured home park or subdivision shall be elevated such that the underside of the floor of the manufactured home is three feet above the finish grade.</li> </ul>   |
| A1-30, AH and AE  | <ul style="list-style-type: none"> <li>(1) All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE, (i) on sites outside of a manufactured home park or subdivision, (ii) on sites in a new manufactured home park or subdivision, (iii) on sites in an expansion to an existing manufactured home park or subdivision, or (iv) on sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the underside of the floor of the manufactured home is elevated to a height of</li> </ul>  |

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|                   | <p>one foot above the base flood elevation.</p> <p>(2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park that are not subject to the provisions of LC 16.244(8)(d), paragraph (1) "Elevation of Manufactured Homes in Flood Zone A1-30, AH and AE" shall be elevated so that either (i) the underside of the floor of the manufactured home is one foot above the base flood level, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.</p>  |
| <b>Flood Zone</b> | <b>Elevation of Recreational Vehicles</b>  |
| A1-30, AH and AE  | <p>Recreational vehicles shall (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) shall satisfy the permit requirements of LC 16.244(5) and the requirements for elevation of manufactured homes in zones A1-30, AH and AE and be anchored to prevent flotation, collapse, and lateral movement. "Ready for highway use" means that the recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.</p>   |
| <b>Flood Zone</b> | <b>Enclosed Areas</b>  |
| Unnumbered A      | <p>Fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:</p> <ul style="list-style-type: none"> <li>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</li> <li>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</li> <li>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</li> </ul> |
| A1-30, AH and AE  | <p>For residential construction, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces in exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:</p> <ul style="list-style-type: none"> <li>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</li> </ul>   |

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|                   | <p>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</p> <p>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.</p>   |
| <b>Flood Zone</b> | <b>Roads</b>  |
| Unnumbered A      | Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.  |
| A1-30, AH and AE  | <p>(1) Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.</p> <p>(2) No road surface of any new street, road or access road shall be at an elevation less than one foot below the base flood height.</p>  |
| <b>Flood Zone</b> | <b>Subdivisions and Partitions</b>  |
| Unnumbered A      | <p>(1) All subdivision proposals shall be consistent with the need to minimize flood damage;</p> <p>(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;</p> <p>(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and</p> <p>(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).</p>  |
| A1-30, AH and AE  | <p>(1) All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage.</p> <p>(2) All subdivision proposals shall have adequate drainage to reduce exposure to flood damage, including returning water.</p> <p>(3) 100-year flood elevation data shall be provided and shown on final partition maps and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat.</p> <p>(4) A permanent monument shall be established and maintained on land partitioned or subdivided showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat.</p> <p>(5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.</p> |

(9) Emergency Permits. The Director may issue an emergency permit orally or in writing:

(a) If issued orally, a written permit shall follow within five days confirming the issuance and setting forth the conditions of operation.

(b) Emergency permits may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.

(c) A representative of Lane County may inspect the project site to verify that an emergency condition exists and that the emergency action will not significantly impact water resources.

(d) Emergency permits shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.

(e) The emergency permit shall be circulated for public information within 10 days of issuance.

(f) The Director shall condition emergency permits to protect and conserve the waters of this County.

(10) Variance Procedures.

(a) Scope. Variance to a requirement standard or procedure of this section, with respect to the provisions for flood hazard reduction, may be approved by the Director if an application is submitted, reviewed and approved pursuant to the criteria for approving variances in LC 16.256, and the application complies with the additional criteria listed below.

(i) Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.

(ii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions. Reasonable conditions may be established in connection with a variance as deemed necessary to secure the purpose and requirements of this section. In cases where a variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant, that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation of flood-proofing. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 3-91, 5.17.91; 2-98, 4.8.98; 1-07, 3.23.07; 14-08, 11.5.14)*

## COMMERCIAL AIRPORT SAFETY COMBINING ZONE (/CAS-RCP) RURAL COMPREHENSIVE PLAN

### 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.

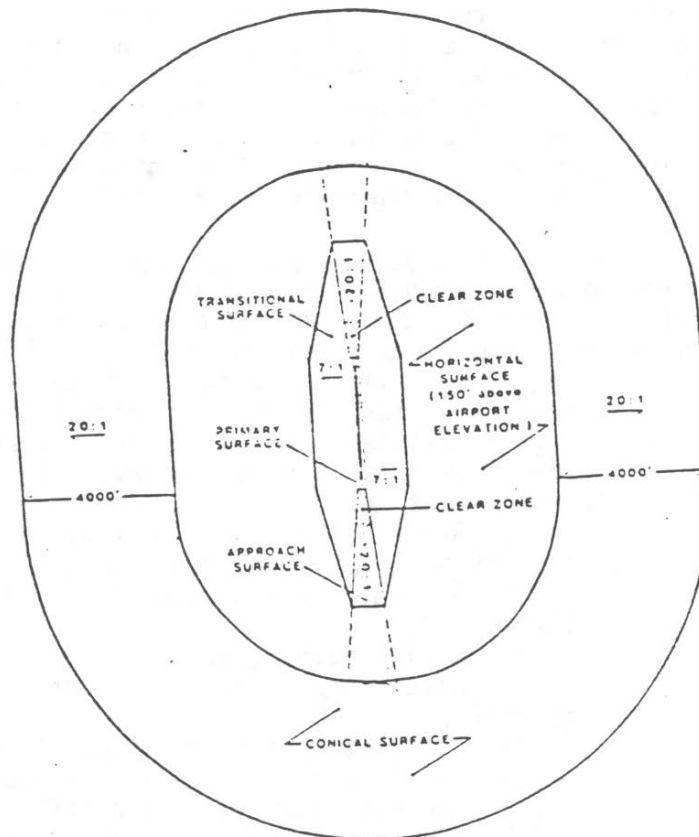
(3) Use Limitations. In the /CAS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /CAS RCP Zone is combined:



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 prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14. 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)*

## 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

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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(b) On lots sloping downhill from the street, buildings may have an additional story; provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.

(6) General Building Setback Requirements.

(a) Side Yard.

(i) 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 Zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

(ii) Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height.

(7) General Lot Area and Width Requirements.

(a) The site area requirements of Chapter 16 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the E-RCP, F-1, RCP and F-2, RCP Zones, where use of preexisting parcels is provided for in a different manner.

(b) The minimum area requirements of Chapter 16 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by State law, State rules and regulations, the provisions of this Code, or other County rules and ordinances.

(c) Refer also to LC 13.050 to 13.105 Design and Development Standards for other lot area, width and depth requirements which may be applicable. .  
(Revised by Ordinance 7-87, Effective 6.17.87; 6-10, 9.17.10)

## NONCONFORMING USES RURAL COMPREHENSIVE PLAN

### 16.251 Nonconforming Uses.

Except as is hereinafter provided in this Chapter, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Chapter or at the time of a change in the official zoning maps may be continued although such use does not conform with the provisions of this Chapter.

(1) Verification of Nonconforming Use. The verification of a nonconforming use may be obtained subject to prior submittal of an application pursuant to Type II procedures of LC Chapter 14. Verification of a nonconforming use is required prior to requesting approval to increase, restore, alter or repair a nonconforming use. When evaluating a request for verification, the following criteria shall apply:

(a) To be valid, a nonconforming use must have been lawfully established prior to the enactment of an ordinance restricting or prohibiting the use.

(b) The use must have been in actual existence prior to the enactment of an ordinance restricting or prohibiting the use or have proceeded so far toward completion that a right to complete and maintain the use is deemed to have vested in the landowner.

(c) The nonuse of a nonconforming use of a structure or property for a period in excess of one year will prohibit the resumption of the nonconforming use. The burden of proof for the verification of a nonconforming use is upon the applicant.

(2) Change in Nonconforming Use. A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

(3) Increase of Nonconforming Use. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot



which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter may be granted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14.

(4) Vested Right. Nothing contained in this Chapter shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Chapter, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time construction was commenced.

(5) Discontinuance of Nonconforming Use. When a non-conforming use of a structure or property is discontinued for a period in excess of one year, the structure or property shall not thereafter be used, except in conformance with the zone in which it is located. (Revised by Ordinance 7-87, 6.17.87; 4-91, 5.17.91)

(6) Unlawful Use of a Nonconforming Use. No unlawful use of property existing at the time of passage of this Chapter shall be deemed a nonconforming use.

(7) Restoration of Nonconforming Building or Structure.

(a) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed; provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion and verification of the nonconforming use has been obtained.

(b) The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.

(8) Conveyance of Nonconforming Use. Nothing in this Chapter shall be construed to limit the sale, transfer, other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer or other conveyance does not otherwise violate the provisions of this Chapter.

(9) Restoration of Conforming Use on Nonconforming Lot. Nothing in this Chapter shall be construed to prevent the reconstruction or replacement of a preexisting building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Chapter.

(10) Repairs of a Nonconforming Use. Repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and consistent with the intent of ORS 215.130(5-8) and shall be evaluated pursuant to criteria expressed in LC 16.251(12) below.

(11) Alterations of a Nonconforming Use. Alterations of a nonconforming use may be permitted to continue the use in a reasonable manner subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and consistent with the intent of ORS 215.130(9), and be evaluated pursuant to criteria expressed in LC 16.251(12) below. Alteration of any such use must be permitted when necessary to comply with any lawful requirement for alteration in the use.

(12) Criteria for Decision. When evaluating a proposal for increase, restoration, alteration or repair, the following criteria shall apply:

(a) The change in the use will be of no greater adverse impact to the neighborhood.

(b) The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood.

(c) Other provisions of this Chapter, such as property development standards, are met.

(13) Conditions of Approval. In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:

- (a) Special yards and spaces.
- (b) Fences and walls.
- (c) Special parking and/or loading provisions.
- (d) Street dedication and improvements or bonds in lieu of improvements.
- (e) Control of points of vehicular ingress and egress.
- (f) Special provisions for signs.
- (g) Landscaping and the maintenance of grounds.
- (h) Control of noise, vibration, odors or other similar nuisances.
- (i) Limitation of time for certain activities.
- (j) A time period in which a proposed use shall be developed.
- (k) A limit of total duration of use. *(Revised by Ordinance 7-87, Effective 6.17.87; 4-91, 5.17.91; 14-08, 11.5.14)*

## PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO REQUIREMENTS RURAL COMPREHENSIVE PLAN

### 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.

(1) Purpose. As the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be required. Such Amendments shall be made in accordance with the procedures of this section.

(2) Criteria. Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.

(3) Initiation/Application.

(a) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board as provided in LC 16.252(3)(b) below.

(b) By Board. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board in the form of a request to the Planning Commission that it consider the proposed zoning, rezoning or amendment.

(c) By Applicant. Application for the zoning or rezoning of properties may be made by any person according to Type III procedures of LC Chapter 14.

(4) Moratorium on Permits and Applications -- Legislative Matters.

(a) After any matter for zoning, rezoning or amendment to this chapter affecting particular property has received tentative action by the Board, but has not yet become final and effective, no Zoning, Land Division or Building Code Application or request shall be accepted, granted, issued or approved, except as herein provided.

(b) After such final action, granting of subsequent Applications or requests shall be in accordance with the requirements of the zoning classification or requirements as amended by the final action.

(c) The provisions of this subsection shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing zoning requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map or subdivision plat.

(5) Planning Commission Public Hearing and Notice -- Legislative Matters.

(a) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.

(b) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.

(c) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 16.252(2) above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board accordingly that the proposal be adopted or rejected. The Planning Commission and Board may hold one concurrent hearing.

(6) Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to Type III procedures of LC Chapter 14.

(7) Action by the Board.

(a) Unless the Board and Planning Commission hold a concurrent hearing, upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 16.252(6) above, the Board shall schedule a public hearing as provided in LC 16.252(7)(b) below. The Board may schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.

(b) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board may first refer the proposed alteration or modification to the Planning Commission or Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

(8) Conditional Approval. The approving authority may impose reasonable conditions if the application is approved to be completed within one year.

(9) Official Zoning Map.

(a) The location and boundaries of the various zones established by this chapter shall be shown and delineated on maps covering portions of the County. These maps, upon their final adoption, shall be known as the Official Zoning Map.

(b) The Zoning Map shall be established by ordinance. Subsequent amendments to the Official Zoning Maps, either for establishing zoning for previously unzoned property or for rezoning may be made by Ordinance or Order of the Hearing Authority in accordance with the provisions of LC 16.014, LC 16.015, and this section.

(10) Error in Legal Description. Notwithstanding any other provision in this chapter, where the sole basis for a zoning or rezoning, whether initiated by Application, the Planning Commission or the Board, is an error in a legal description in the Ordinance or Order zoning or intended to zone the property, the zoning or rezoning shall be referred to the Planning Director for investigation and a report. After such investigation and

report, the zoning or rezoning shall be considered in accordance with the procedures for hearings provided in LC 16.252(5) and (6) above. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-08, 7.11.08; 6-10, 9.17.10)*

## **STREAM RIPARIAN REGULATIONS RURAL COMPREHENSIVE/METRO PLAN**

### **16.253 Riparian Regulations.**

(1) Purpose. The purpose of the Riparian Regulations is to implement the Goal 5 Flora and Fauna policies and the Goal 6 Water Resources policies of the Lane County Rural Comprehensive Plan and the Goal 5 riparian policies of the Eugene-Springfield Metropolitan Area General Plan.

(2) Removal of Vegetation Within the Riparian Setback Area. The following standards shall apply to the maintenance, removal, destruction and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan. For purposes of LC 16.253(2)(b)(i) and (iii) below, Resource Zones shall be: LC 16.210 (F-1); LC 16.211 (F-2); LC 16.212 (EFU); LC 16.213 (NR); LC 16.214 (ML); LC 16.215 (PR); LC 16.216 (QM); LC 16.227 (IWC); and LC 16.232 (DR). For purposes of LC 16.253(2)(b)(i) and (iii) below, Nonresource Zones shall be: LC 16.219 (PF); LC 16.220 (C-1); LC 16.221 (C-2); LC 16.222 (C-3); LC 16.223 (C-R); LC 16.224 (M-1); LC 16.225 (M-2); LC 16.226 (M-3); LC 16.229 (RA); LC 16.230 (RG); LC 16.231 (RR); LC 16.290 (RR); LC 16.291 (RC); LC 16.292 (RI); LC 16.294 (RPF); and LC 16.295 (RPR).

(a) A minimum of seventy-five percent (75%) of the total area within the riparian setback area of any legal lot shall remain in an unaltered, indigenous state except as provided in LC 16.253(2)(b)(i) and LC 16.253(5)(b) below; and

(b) Removal of existing vegetation from within the riparian setback area of any legal lot shall not exceed the shoreline linear frontage and square footage limitations calculated as follows:

(i) The maximum allowable removal for any legal lot having frontage of 200 feet or less in length along a Class I stream shall not exceed 50 linear feet along the shoreline and an area not greater than 2,500 square feet within the riparian setback area of a Nonresource Zone, or 5,000 square feet within the riparian setback area of a Resource Zone.

(ii) The maximum allowable removal for any legal lot having frontage of more than 200 feet but less than 400 feet in length along a Class I stream shall not exceed 25 percent of the total linear footage along the shoreline, and an area not greater than 25 percent of the total square footage of the entire area within the riparian setback area.

(iii) The maximum allowable removal for any legal lot having frontage 400 feet or greater in length along a Class I stream shall not exceed 100 linear feet along the shoreline of the Class I stream and an area not greater than 5,000 square feet within the riparian setback area of a Nonresource Zone, or 10,000 square feet within the riparian setback area of a Resource Zone. Removal of indigenous vegetation from within the riparian setback area in excess of 100 linear feet and the square footage of the applicable zone designation, to provide water access for a water-dependent use or to allow selective thinning of indigenous vegetation to provide viewscales, may occur subject to compliance with LC 16.253(5)(a)(i) below, prior to removal.

(iv) Removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to allow riparian enhancement projects designed to improve or diversify habitat of designated areas within the riparian setback area may occur subject to compliance with LC 16.253(5)(b) below, prior to removal.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(2)(a) or (b) above, without prior Planning Director approval shall require compliance with the provisions of LC 16.253(4) and LC 16.253(5)(c) below, and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(2) above.

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(2) above and (3) below.

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the Soil and Water Conservation District (SWCD) after consultation with the Oregon Department of Fish and Wildlife.

(vi) In areas that are regulated for aquatic species by the federal Endangered Species Act, construction, maintenance, preservation, repair and replacement of road and ancillary facilities, including bridges, culverts, drainage improvements, embankments, retaining walls, revetments, rip-rap and other slope stabilization structures, conducted under the jurisdiction of Lane County, the Oregon Department of Transportation, or Federal Transportation Authorities, when such activity is a public improvement project within a public right-of-way, or within an area being used for the public improvement project including access easements, areas used for construction staging, areas for storage of materials and temporary detours, and further provided that such work is conducted in compliance with the following:

(aa) In the absence of Routine Road Maintenance Best Management Practices (BMP's) pursuant to Section 4(d) of the Endangered Species Act for Limit 10 of take prohibition specifically developed and recognized by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for Lane County, routine road maintenance is conducted in accordance with the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (BMP's) as published in the Federal Register; or

(bb) Road work other than routine maintenance is conducted in accordance with the Reasonable and Prudent Measures (RPM's) prescribed in the current "Programmatic Biological Opinion and Magnuson - Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Regulatory and Operational Activities Carried out by the Department of the Army Permits in Oregon;" or

(cc) The road work is conducted in compliance with the requirements described in a site specific Biological Opinion of the National Marine Fisheries Service; or

(dd) Such work is conducted in compliance with other final rules published in the Federal Register, consultation decision or conference decision by the National Marine Fisheries Service, the United States Fish and Wildlife Service, or a successor agency pursuant to the Endangered Species Act.

(3) Modifications. A modification to the applicable riparian setback standard for a structure may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard

has been submitted and approved pursuant to Type II procedures of LC Chapter 14 and subject to findings of compliance addressing the following criteria:

(a) The location of a structure within the riparian setback area shall not result in the removal or the alteration of vegetation within the riparian setback area in excess of the standards of LC 16.253(2) above. For purposes of LC 16.253, altered means to eliminate, significantly reduce or interrupt the natural growth cycle of indigenous vegetation by removal or destruction of the vegetation caused by a person; and

(b) The riparian vegetation does not actually extend all the way into the riparian setback area to the location of the proposed structure. This determination shall include consideration of any evidence of riparian vegetation existing prior to any removal of indigenous vegetation before or during the application review period; or

(c) It can be demonstrated that an unduly restrictive burden would be placed on the property owner if the structure was not allowed to be located within the riparian setback area.

(4) Restoration of Indigenous Vegetation Within the Riparian Setback Area. Any removal or destruction of indigenous vegetation within the riparian setback area in excess of the provisions of LC 16.253(2) without an approved Riparian Setback Area Alteration Plan shall require an application for a Preliminary Investigation pursuant to LC 16.253(4)(a)-(c) below. Potential impacts identified in LC 16.253(4)(a) below, shall be addressed and/or mitigated through the review, approval and implementation of a Riparian Setback Area Restoration Plan pursuant to LC 16.253(5)(c) below.

(a) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal, alteration or destruction and the potential impacts of the removal in excess of the standards of LC 16.253(2) above. For the purposes of LC 16.253(2) and (4) above, potential adverse impacts shall include the removal or destruction of vegetation in whole or part, which is detrimental to the functions identified in LC 16.253(4)(a)(i)-(iv) below. This investigation shall identify the approval criteria which must be addressed by the property owner in the Riparian Setback Area Restoration Plan pursuant to LC 16.253(5)(c) below and shall include identification of the removed, altered or destroyed indigenous vegetation in excess of the standards of LC 16.253(2)(a) and (b) above, serving one or more of the following functions:

- (i) Shading of Class I streams.
- (ii) Stabilization of a stream bank or shoreline.
- (iii) Habitat for sensitive aquatic or terrestrial wildlife species.
- (iv) Habitat for rare, endangered or threatened species.

(b) Notification of Preliminary Investigation Determination. The planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at the appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the riparian setback area, the area of removal in excess of the standard in LC 16.253(2) above, and shall set forth the determination of the potential adverse impacts identified in LC 16.253(4)(a) above.

(c) Fees for a Preliminary Investigation. To partly defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(5) Riparian Setback Area Alteration Plan Submittal. An application for approval of a Riparian Setback Area Alteration Plan as required by LC 16.253(2)(b) or (c) above, shall be submitted pursuant to one of the following applicable classifications and procedures.

(a) Riparian Setback Area Development Plan. The person proposing the development or removal in excess of the linear and square footage standard of LC 16.253(2)(b)(iii) above, shall submit a Riparian Setback Area Development Plan to the Planning Director pursuant to Type II procedures of LC Chapter 14, which sufficiently

identifies the location, nature and scope of the proposed development or removal of vegetation in excess of the provisions of LC 16.253(2)(b)(iii) above, prior to removal. The Riparian Setback Area Development Plan shall establish compliance with LC 16.253(2)(a) above and the following approval criteria:

(i) Vegetation removal or thinning in excess of the standard of LC 16.253(2)(b)(iii) above, shall be limited in scope to accommodate the approved Riparian Setback Area Development Plan only and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g) below;

(ii) The proposed development or removal shall not have a substantial adverse impact on significant wildlife habitat;

(iii) The proposed development or removal shall not have a substantial adverse impact on stream bank or shoreline stabilization; and

(iv) The removal or alteration of indigenous vegetation from within the riparian setback area of a legal lot shall not exceed 25 percent of the total square footage of the entire riparian setback area and 25 percent of the total linear footage along the shoreline of a Class I stream.

(b) Riparian Setback Area Enhancement Plan. The person proposing the removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to enhance the riparian setback area by replanting with indigenous vegetation, shall submit a Riparian Setback Area Enhancement Plan to the Planning Director pursuant to Type II procedures of LC Chapter 14, which sufficiently identifies the location, nature and scope of the proposed enhancement of indigenous vegetation within the riparian setback area. The Riparian Setback Area Enhancement plan shall establish compliance with the following approval criteria:

(i) Vegetation removal or thinning in excess of LC 16.253(2)(a) and (b) above shall be limited in scope to accommodate the approved Riparian Setback Area Enhancement Plan only and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g) below;

(ii) The proposed alteration and enhancement activities shall provide for the diversification of the indigenous vegetation; and

(iii) The proposed alteration and enhancement activities shall maintain stream bank and shoreline stability.

(c) Riparian Setback Area Restoration Plan. Where required by the Preliminary Investigation, the property owner and the person responsible for removal or destruction of vegetation from within the riparian setback area in excess of the provisions of LC 16.253(2) above shall submit a Riparian Setback Area Restoration Plan to the Planning Director pursuant to Type II procedures of LC Chapter 14, which includes a complete inventory of the previously existing indigenous vegetation which was removed or destroyed. The vegetation inventory shall identify previous plant community locations and the maturity and densities of the previously existing plant species. The submitted Riparian Setback Area Restoration Plan shall provide a recovery and restoration planting schedule to include successional plantings, seasonal maintenance, and other management activities that provide for the recovery of the removed or destroyed indigenous vegetation. An approved Riparian Setback Area Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g), below:

(i) Restoration of the riparian setback area shall comply with the indigenous vegetation maintenance, removal and replacement standards established in LC 16.253(2)(b) above;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation required Pursuant to LC 16.253(4)(a), above; and

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation required pursuant to LC 16.253(4)(a) above.

(d) Riparian Setback Area Plan Receipt and Referral. Upon receipt and acceptance of the applicable Riparian Setback Area Alteration Plan described in LC 16.253(5)(a), (b) or (c) above, the Planning Director shall refer a copy of the Riparian Setback Area Alteration Plan to the ODF&W for review.

(e) ODF&W Review. Within 10 working days of submittal of the Riparian Setback Alteration Plan to the Planning Director as required in LC 16.253(5)(d) above, the property owner shall provide evidence of consultation with ODF&W. Review of the Riparian Setback Area Alteration Plan and any recommendations by ODF&W to the Planning Director shall be consistent with the provisions of OAR 635-405 (May 1991) and OAR 635-415 (November 1991). Any recommendation from ODF&W addressing the proposed Riparian Setback Area Alteration Plan shall be in writing.

(f) Director Action. The Director may approve the Riparian Setback Area Alteration Plan if there are adequate findings of fact supporting compliance with LC 16.253(2) above and the applicable approval criteria for the proposed Riparian Setback Area Alteration Plan. The Director may impose conditions of approval to assure continued compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to Type II notice of decision procedures of LC Chapter 14.

(g) Conditions of Approval. Reasonable conditions may be placed upon the approval of a Riparian Setback Area Alteration Plan to mitigate impacts and to assure continued compliance with the protection standards as set forth in the Riparian Setback Area Alteration Plan approved under LC 16.253(5)(f) above. Vegetation removed or destroyed in excess of LC 16.253(2) above shall be replaced or restored and maintained within the next replanting season following the removal or alternation. Required subsequent maintenance and successional plantings shall be identified in the Riparian Setback Area Alteration Plan approved by the Planning Director. Conditions may include but are not limited to the following:

(i) The property owner may be required to enter into a performance agreement to pay all costs associated with implementing the Riparian Setback Area Alteration Plan.

(ii) The Planning Director may require the property owner to record notice of the requirements of the Riparian Setback Area Alteration Plan and performance agreements in the Lane County Deed Records.

(iii) All restored or replaced vegetation plantings within the riparian setback area shall be of an indigenous species as identified in the list of indigenous plant species associated with riparian areas adopted by Board Order and incorporated in Lane Manual.

(6) Metro Area Riparian Setback Regulations. For property located west of Interstate 5 between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene Urban Growth Boundary and east of Interstate 5, outside the Springfield Urban Growth Boundary but within the area previously covered under the Eugene-Springfield Metropolitan Area General Plan prior to the enactment of Ordinance No. PA 1281, the following riparian setback regulations shall apply:

(a) Setback Area. The riparian setback area shall be as follows:

(i) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs), as designated for riparian vegetation protections by the Eugene-Springfield Metropolitan Area General Plan on January 1, 2012, the riparian corridor boundary shall be 75 feet upland from the top of each bank.

(ii) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, as designated for riparian vegetation protection by the



Eugene-Springfield Metropolitan Area General Plan on January 1, 2012, the riparian corridor boundary shall be 50 feet from the top of bank.

(iii) In areas where the top of each bank is not clearly defined, or where the predominant terrain consists of steep cliffs, the provisions of OAR 660-023-0030 shall apply, rather than the provisions of this section.

(b) Removal of Vegetation Within the Riparian Setback Area. The standards of LC 16.253(2) above, shall apply to the maintenance, removal, destruction and replacement of indigenous vegetation within the riparian setback area along streams designated for riparian vegetation protection by the Eugene-Springfield Metropolitan Area General Plan on January 1, 2012. The permanent alteration of the riparian area by grading or by 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:

- (i) Streets, roads, and paths;
- (ii) Drainage facilities, utilities, and irrigation pumps;
- (iii) Water-related and water-dependent uses; and
- (iv) Replacement of existing structures with structures in the same

location that do not disturb additional riparian surface area.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(6)(b) above, without prior Planning Director approval, shall require compliance with the provisions of LC 16.253(4) and LC 16.253(5)(c) above, and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(6) above.

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(6)(b) above.

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the Soil and Water Conservation District (SWCD) after consultation with the Oregon Department of Fish and Wildlife.

(vi) Removal of non-native vegetation and replacement with native plant species;

(vii) Removal of vegetation necessary for the development of water-related or water-dependent uses.

(ix) Permanent alteration of the riparian area by the placement of structures or impervious surfaces upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

(e) Modifications. A modification to the applicable riparian setback standard in LC 16.253(6)(a) for a structure may be allowed provided the ODFW is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted and approved pursuant to Type II procedures of LC Chapter 14 with findings of compliance addressing the following criteria:

(i) It can be demonstrated that the property was incorrectly identified as meeting the criteria of LC 16.253(6)(a)(i)&(ii), above.

(ii) It can be demonstrated that the lot or parcel has been rendered not developable for the primary use allowed in the base zone, by application of the riparian setback standards of LC 16.253(6)(a) to a lot or parcel that was lawfully created prior to the adoption of LC 16.253(6)(a). Approval of development under this provision must meet the following standards:

(aa) Due to topography, parcel size or configuration, or significant resource limitations, all options for development outside of the setback area are physically impracticable.

(bb) All development shall be located to the greatest degree practicable outside of the riparian setback area. The request shall be the minimum necessary to render the property developable.

(cc) The modification is not the result of a self-created hardship. After the date of adoption of LC 16.253(6), the reconfiguration of a lot or parcel as a result of a lot or property line adjustment, in whole or part within the riparian setback area, shall be determined to be a self-created hardship by the creator and subsequent property owners.

(dd) Mitigation measures shall be taken to minimize to the greatest degree practicable any impact to habitat units or habitat values of the setback area by development actions in the setback area.

(ee) Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary may be authorized upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. *(Revised by Ordinance No. 10-92, Effective 11.12.92; 5-96, 11.29.96; 1-97, 4.4.97; 10-04, 6.4.04; 5-04, 7.1.04; 2-12, 7.4.13)*

**GREENWAY DEVELOPMENT PERMIT  
RURAL COMPREHENSIVE PLAN**

**16.254 Greenway Development Permit.**

(1) Purpose. To establish Greenway Development procedures for certain land use activities as required by the Statewide Willamette River Greenway Goal and the Lane County Willamette River Greenway Plan.

(2) Definitions. For the purposes of this section, except as otherwise provided below, the definitions provided in LC 16.090 and the Goal adopted by the Oregon Land Conservation and Development Commission shall be used:

(a) Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the U. S. Army Corps of Engineers.

(b) Ordinary Low Water. The low watermark of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high waterline.

(c) 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 waterborne transportation, recreation, energy production or source of water.

(d) Water Related Use. 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 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 or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

(e) Greenway Development Permit; Permit. A permit authorized pursuant to this section or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinance Nos. 4-76 and 11-76.

(f) Change of Use. Making a different use of the land or water than that which existed on December 5, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 5, 1975. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of this section.

(g) Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a

structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

(h) Develop. 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 of access.

(i) Development. To act, process or result of developing.

(j) Boundaries. The boundaries for the Willamette River Greenway are those adopted by the Land Conservation and Development Commission in 1977, together with any changes when and as approved by LCDC.

(3) Uses and Activities Subject to Greenway Development Permits. Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zones, including public improvements and including partitions and subdivisions as defined in LC 13.020, which are proposed for lands within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

(a) Customary dredging and channel maintenance conducted under permit from the State of Oregon.

(b) Seasonal increases in gravel operations as provided under permit from the State of Oregon.

(c) The placing by a public agency of signs, markers, aids, etc. to serve the public.

(d) Activities to protect, conserve, enhance and maintain public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands shall require review as provided by this section.

(e) Erosion control operations required in emergency situations for the safety and protection of property.

(f) Construction or use of a building other than a dwelling whether or not within 150 feet of the ordinary low waterline when the building is customarily provided in conjunction with a farm use; provided the structure does not exceed 12 feet in height nor exists for longer than six months.

(g) Farm use.

(h) Reasonable emergency procedures necessary for the safety or protection of property.

(i) Maintenance and repair usual and necessary for the continuance of an existing use. Landscaping, construction of driveways, modification of existing structures or facilities adjacent to a residence as are usual and necessary to such use and enjoyment.

(j) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use.

(k) Irrigation pumps and water intakes and other utility lines in conjunction with an agricultural use.

(l) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the Greenway Development Permit approval requirements of 16.254(4) below and notification requirements of LC 16.254(7) below.

(i) Planned Unit Developments, as provided in 10.700.

(ii) Unzoned Area Development Permits, as provided in LC 9.700.

(4) Greenway Development Permit Approval. A decision to approve a Greenway Development Permit shall require findings that the proposed intensification,

change of use or development conforms to the following criteria, and setback requirements:

(a) Criteria.

(i) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space shall be provided between the activity and the river and the development provides for the reestablishment of vegetative cover where it will be significantly removed during the process of land development.

(ii) Public access to and along the river either is not necessary or the necessary access will be provided by appropriate legal means.

(iii) Preserve and maintain land inventoried as "agriculture" in the adopted Willamette River Greenway Plan for farm use, as provided for in Goal 3 and minimize interference with the long-term capacity of lands for farm use.

(iv) Protect, conserve or preserve significant scenic areas, viewpoints and vistas.

(v) Harvest timber in a manner that wildlife habitat, riparian and other significant vegetation and the natural scenic qualities of the Greenway will be preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

(vi) Minimize vandalism and trespass.

(vii) Locate development away from the river to the greatest possible degree.

(viii) Protect significant fish, wildlife habitat and natural areas.

(ix) Is compatible with the Willamette River Greenway based upon the following considerations:

(aa) A development which is a mining or a mineral extraction and/or processing operation must include mining or extraction and/or processing methods which are designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation.

(bb) Protection, preservation, rehabilitation, reconstruction or restoration of significant historic and archeological resources.

(cc) Preserve areas of annual flooding, floodplains and wetlands.

(dd) Protection, conservation or preservation of areas along the alluvial bottomlands and lands with severe soil limitations from intensive development.

(ee) Consideration of the impacts from consumptive uses of water (i.e., domestic, agriculture, industrial) and non-consumptive uses (i.e., recreation and natural resources) in efforts of maintaining sufficient flows to support water users.

(ff) Sustenance and enhancement of water quality by managing or controlling sources of water pollution from uses, such as domestic and industrial wastes, agricultural and timber runoff, septic tank seepage, gravel operations and other intermittent sources.

(gg) Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife; protect natural areas; anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass; and to control pollution sources to the river.

(hh) Protection from erosion.

(ii) Protection and conservation of lands designated as aggregate resources within the adopted Willamette Greenway Plan.

(b) Setback Requirement; Exceptions. New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, Except for a water related or water dependent use.

(5) Conditions. Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (a) Special yards and spaces.
- (b) Fences and walls.
- (c) Special off street parking and loading requirements.
- (d) Street and road dedications and improvements (or bonds).
- (e) Control of points of vehicular ingress and egress.
- (f) Special provisions on signs.
- (g) Landscaping and maintenance thereof.
- (h) Maintenance of grounds.
- (i) Control of noise vibration, odors or other similar nuisances.
- (j) A time period within which the proposed use shall be developed.
- (k) A limit on total duration of use.
- (l) Control of scale, bulk and coverage of proposal.

(6) Application and Review Procedure. Application for a Greenway Development Permit shall be made pursuant to the Type II procedures of LC Chapter 14.

(7) Additional Notice. Immediate notice of an application shall be given the State Department of Transportation by certified mail, return receipt requested, and provision shall be made to provide notice to any individual or group requesting notice in writing. Notice of the action taken by Lane County on an application shall be furnished by regular mail to the State Department of Transportation.

(8) Conflicting Provisions. In the case of any conflict between the provisions of this section and other provisions in Lane Code, the more restrictive provisions shall apply.

(9) Nonauthority for Public Use of Private Property. Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

(10) Nonconforming Uses. Except as modified in this section, LC 16.251(1) to (8) shall apply to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 16.254(2)(f) and (g) above of a nonconforming use shall be prohibited unless a Greenway Development Permit is issued for it. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96)*

## TEMPORARY PERMITS RURAL COMPREHENSIVE PLAN

### 16.255 Temporary Permits.

(1) Purpose. The purpose of the Temporary Permit procedure is to allow on an interim basis:

(a) Temporary uses in undeveloped areas of the County not otherwise allowable in the applicable zone.

(b) Use of existing structures designed and intended for a use not allowable in a zone and not otherwise a nonconforming use, and

(c) Erection of Temporary structures for activities necessary for the general welfare of an area; provided such uses and activities are consistent with the intent of this chapter.

No Temporary Permit can be granted which would have the effect of permanently rezoning and granting a special privilege not shared by other property in the same zone.

(2) Allowable Temporary Uses, Criteria and Limitations.

(a) The following are allowable Temporary Uses and may be permitted in any zone, subject to the following criteria and limitations:

(i) A different use for existing structures or structures and premises in a combination which are occupied or have been occupied by a nonconforming use; provided it is determined by the Hearings Official that the character and nature of the proposed use will be less incompatible to the surrounding vicinity than the existing or previous nonconforming use.

(ii) Use of existing structures and premises which are designed and intended for a use which is not allowable in the applicable zone and new structures and premises and use thereof necessary for the physical and economic welfare of an area; provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use and new structure, if applicable:

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

(bb) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(iii) Open land uses which do not involve structures with a combined value in excess of \$1,000; provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use:

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

(bb) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(b) In applying the criteria for allowable temporary uses provided in LC 16.255(2)(a)(i) and(ii) above, 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.

(c) No structural alterations may be made to a nonconforming structure to be utilized by a temporary use which would materially prolong the economic life of the structure.

(d) Where new structures and use thereof and new open land uses are permitted, the premises shall be required to be restored to the prior state within three months of the termination of the permit. A performance bond shall be required, if determined necessary by the Hearings Official, at the time of approval in sufficient amount to cover the estimated cost such restoration.

(e) Temporary Permits for any one permit shall be approved for a maximum of five years.

(3) Conditions. Reasonable conditions may be imposed in this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

(a) Special yards and spaces.

(b) Fences and walls.

(c) Control of points of vehicular ingress and egress.

- (d) Special provisions on signs.
  - (e) Landscaping and maintenance thereof.
  - (f) Maintenance of the grounds.
  - (g) Control of noise, vibrations, odors or other similar nuisances.
  - (h) Limitation of time for certain activities.
  - (i) A time period within which the proposed use shall be developed.
  - (j) A limit on total duration of use.
- (4) Application. Application for a Temporary Permit shall be made pursuant to Type III application requirements of LC Chapter 14.
- (5) Review Procedure. Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## VARIANCES RURAL COMPREHENSIVE PLAN

### 16.256 Variances.

(1) Scope. Variances to a requirement of this chapter with respect to dimensions, setback, yard uses, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be approved by the Planning Director if:

- (a) An application is submitted pursuant to Type II application requirements of LC Chapter 14.
- (b) The application is reviewed pursuant to Type II procedures of LC Chapter 14.
- (c) The application complies with the criteria of LC 16.256(2) below.

(2) Criteria.

(a) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zones in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Rural Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(f) The variance would not have the effect of rezoning and granting a special privilege not shared by other property in the same zone. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## SITE REVIEW PROCEDURES RURAL COMPREHENSIVE PLAN

### 16.257 Site Review Procedures.

(1) Purpose. It is the purpose of this section to establish a Site Review Permit procedure for specified uses or applications requiring comprehensive review of proposed site development in order to encourage the most appropriate development of the site compatible with the neighborhood, to prevent undue traffic and pedestrian hazards or



congestion, to reduce adverse impacts upon public facilities and services, and to provide a healthful, stable, efficient and pleasant on-site environment.

(2) Site Review Permits Required. A Site Review Permit shall be required when:

(a) Nonresidential uses, except those customarily provided in conjunction with farm uses, are proposed for properties where the proposed uses and/or structures are within 200 feet of the boundaries of an RR-RCP; RA-RCP; R-2-RCP; RG-RCP or RP-RCP zone.

(b) Incidental to conditional approval to rezone as provided in this chapter.

(c) Incidental to any Zoning or Rezoning Application approval when it is determined by the Board, Planning Commission or Hearings Official that a Site Review Permit would be necessary to ensure that such approval would be consistent with the intent and purposes of this chapter.

(d) Incidental to an expansion of a nonconforming use of land and structures as permitted in this chapter.

(e) Superseded provisions of this chapter for property zoned with an Architectural Control ("X") suffix require approval of initial plans, or approval of a modification of or addition to approved plans.

(f) A zone in this chapter specifically requires a Site Review Permit for uses permitted outright or conditionally in said zone.

(i) Any properties requiring a Site Review Permit pursuant to LC 16.257(2)(c) above shall be designated "SR" in the amending ordinance or order, on a map attached as an exhibit to the ordinance or order, and on the Zoning Map, as applicable.

(ii) No Building Permit shall be issued until a Site Review Permit has been obtained as required by this section. Further, said Building Permit can be issued only for development as approved according to the Site Review Permit requirements.

(3) Site Review Permits Not Required. It is not necessary to require a Site Review Permit when:

(a) The proposed uses or improvements are for a residential use or a use customarily provided in conjunction with a farm use.

(b) A Conditional Use Permit or Special Use Permit is required for the proposed uses or improvements.

(c) The proposed uses or improvements are located at least 200 feet from all exterior boundaries of the subject property.

(d) The proposed improvement is a sign for a use permitted by the parent zone and such sign is not illuminated, does not occupy more than 100 square feet in sign surface area on one side, is of no greater height than the primary buildings on the same property, and is not within the structural setback area designated by LC Chapters 10 and 15.

(e) When the proposed use or improvement is a minor addition to an existing commercial or industrial use or improvement where the minor addition does not exceed 25 percent of the area of the existing use and will not be closer to a property line than the closest portion of the existing structures meeting legal setbacks required by the appropriate zone. For purposes of this section, the area of the existing use shall be calculated by including all improvements, on-site private drives and outside areas which are a part of the use (such as off street parking and loading areas and outside storage areas.)

(f) The proposed use is a transportation facility or use listed in LC 16.265(3)(a) through (m).

(4) Criteria for Site Review Evaluation. The following minimum criteria should be considered in evaluating Site Review Applications:

(a) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposal intent and are compatible with the surrounding vicinity.

(b) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(c) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(d) That suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(e) That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(f) That, based on anticipated traffic generation, adequate additional right-of-way, road improvements, and on-site vehicular, bicycle and pedestrian improvements connecting directly to off-site roads, paths and sidewalks must be provided by the development in order to promote traffic safety and reduce traffic congestion.

(i) Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional improvements as lighting, sidewalks, bicycle lane and path connections, and turn and deceleration/acceleration lanes. Improvements shall be consistent with access management, spacing standards, and other requirements of LC Chapter 15.

(g) That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular, bicycle, and pedestrian entrances, exists, drives, walkways, buildings and other related facilities.

(h) That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities and their surfacing, lighting and landscaping.

(i) That all signs and illumination are in scale and harmonious with the site and area.

(j) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements, etc. that are required by Site Review Permit.

(5) Conditions. Reasonable conditions may be established in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this section. Guarantees, evidence, dedications or bonding may be required to ensure that such conditions will be met.

(6) Application. Application for a Site Review shall be made pursuant to Type II application requirements of LC Chapter 14.

(7) Review Procedure. Applications for Site Reviews shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-04, 6.4.04; 7-12, 12.28.12)*

### **CLEAR LAKE WATERSHED PROTECTION ZONE (CLWP-RCP)**

#### **16.258 Clear Lake Watershed Protection Zone (CLWP-RCP).**

(1) Purpose. The Clear Lake Watershed has been recognized as an area deserving protection in order to maintain high water quality in Clear Lake as a domestic

water supply source. The Oregon Environmental Quality Commission has adopted regulations to protect the water quality of Clear Lake. The Clear Lake Watershed is made up of properties, a substantial majority of which are in private ownership. The general purpose of the Clear Lake Watershed Protection Zone is to protect the quality of the Watershed, and at the same time, protect the rights of private property owners to make reasonable use of their land. The specific purposes of the Clear Lake Watershed Protection Zone are:

(a) To protect the aquifer and surface waters (the Lakes) of the Clear Lake Watershed;

(b) To help achieve the water quality standards set-forth in OAR 340-41-270 and to ensure that all uses within the Clear Lake Watershed are consistent with the objective of achieving these water quality standards; and

(c) To provide clear and objective development standards necessary to meet water quality standards and avoid land use litigation.

(2) Applicability and Definitions.

(a) The Clear Lake Watershed Protection Zone (CLWP-RCP) shall be applied to those parcels or portions of parcels, and all subdivision lots located in whole or in part within the Clear Lake Watershed as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(b) Terms, phrases and words shall be construed as specified in LC 16.090 except, as used in this section only, the following words and phrases shall have the meaning ascribed below and shall supercede definitions otherwise provided in this Code unless the context clearly indicates a contrary meaning:

Drainage. Water from precipitation, surface or subterranean water from any source, but not sewage.

Farming or Farm Use. The act of farming, as defined in ORS 215.203(2).

Forestland. Land designated as forest land in the Lane County Rural Comprehensive Plan, excluding subdivision lots.

Forest Operations. All activities related to forest management including, but not limited to: harvesting, forestry-related road construction and maintenance, site preparation for reforestation, tree planting, application of insecticides, herbicides, rodenticides, fertilizers or other chemical substances, slash disposal and pre-commercial thinning.

Lakes. Clear Lake and Collard Lake located in western Lane County, Oregon.

Legal Lot. A unit of land created by a subdivision or partition of land in compliance with all applicable planning, zoning and partitioning ordinances and regulations, or by deed or land sale contract if there were no applicable planning, zoning or partitioning ordinances or regulations at the time of such creation.

Parcel. Any legal lot or parcel that is not a subdivided lot or subdivision lot as set forth below.

Removal/Remove. The act of mechanically or manually disrupting or dislodging the root structure of vegetation, in a manner that will result in the death of the vegetation. Removal does not in any context include normal harvesting, trimming or pruning of vegetation which does not cause the death of the vegetation.

Riparian Area/Riparian Setback. The area shoreward and parallel to the ordinary high-water mark of the Lakes. For parcels, the setback area shall be 100 feet in width; for subdivision lots, the setback area shall be 50 feet in width.

Sewage. A combination of water-carried human, animal or industrial waste. While it may include some drainage, it is substantially septic in its characteristics.

Sewage Disposal System. Any device or system used in the collection, transport, storage, treatment, recycling, and reclamation of sewage, including, but not limited to tanks, pipelines, drain fields, pumps, lagoons and treatment plants, chemical treatments and maintenance practices.

Subdivided Lot/Subdivision Lot. Any legal lot totally or partially within the Collard Lake portion of the Watershed, located in the following subdivisions: Mercer Lake Heights; Mercer Lake Heights, 1st Addition except Lot 28; Mercer Lake Heights, 2nd Addition; Collard Lake Heights; Collard Lake Heights, 1st Addition; Collard Lake Acres.

Tract. One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

Watershed. A geographic area within the boundary generally described as the drainage basin for the Lakes from the top of the basin ridge of the Lakes, and including the land and water within the area as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(3) Permitted Uses. The following structures and uses are permitted, without notice and opportunity to appeal, as hereinafter specifically provided for by this section.

(a) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicating the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights; and

(dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Maintenance, repair, additions to or replacement of any existing improvements including, but not limited to, roadways, footpaths, structures (except dwellings set forth in LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a)) and open space.

(c) Harvesting of wild crops.

(d) Non-commercial recreation.

(e) Shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins.

(f) Forest operations and forest practices.

(g) Farming located on a parcel when the farming is more than 300 feet measured horizontally from the ordinary high water mark of the Lakes.

(h) Nonresidential or agricultural buildings in conjunction with uses allowed in LC 16.258.

(i) Local distribution lines (e.g., electric, telephone, natural gas, water) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals, water lines, pumps), or equipment which provides service hookups, including water service hookups.

(j) On subdivision lots:

(i) Residential homes as defined in ORS 197.660, in existing dwellings.

(ii) Bed and breakfast accommodations.

(iii) A guest house.

(k) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(4) Permitted Uses Subject to Objective Standards. The following structures and uses are permitted, without notice or opportunity to appeal, subject to the objective standards outlined in LC 16.258(7) and (8) below, which provide assurance that the use is consistent with the protection of water quality and natural values specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the boundaries of the CLWP-RCP zoning district.

(a) A single-family dwelling and accessory structures in conjunction with such use on a legal lot or parcel; provided, however, that dwellings and accessory structures sited on tax lots 200, 300 and 301, Lane County Assessor's map no. 18-12-12, are subject to the following additional requirements, as may be applicable:

(i) The dwelling or structure is sited on a tract containing at least 160 contiguous acres; or

(ii) The dwelling or structure is sited on a tract containing at least 200 acres in one ownership containing parcels that are not contiguous but located in Lane County or an adjacent county and zoned for forest use; and

(iii) the owner of two or more parcels required to meet the minimum acreage requirements of LC 16.258(4)(a)(i) or (ii) above shall submit proof that nonrevocable deed restrictions in the form attached as Appendix "B" have been recorded in the county deed records which shall contain covenants, conditions and restrictions that:

(aa) Shall be irrevocable, unless a statement of release is signed by the Director;

(bb) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(cc) Shall, together with a map or other record depicting any tracts which do not qualify for a dwelling under the recorded deed restrictions, be maintained in the Department records and be readily accessible to the public.

(iv) The failure to follow the requirements of LC 16.258(4)(a)(iii) above relating to the recording of the deed restrictions shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is the subject of the covenants, conditions and restrictions required by this subsection.

(b) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is not located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicate that the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) For purposes of this section, the “same site” is defined as wholly or partially within a square with dimensions 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(c) Water intake facilities, related filtration, treatment and/or transmission facilities, pumping stations and distribution lines owned and operated in conjunction with a public or private domestic water supply system, as may be applicable.

(5) Discretionary Uses Subject to Director Approval. The following uses may be allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, upon the determination that the standards contained in this section and LC 16.258(7) and (8), as may be applicable, have been satisfied which will provide assurance that the use is consistent with standards adopted for the protection of water quality and natural values as specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the CLWP-RCP zoning district.

(a) Alteration, restoration or replacement of a lawfully established dwelling that complies with the following requirements:

(i) The dwelling was lawfully established on the subject property, and the applicant has provided sufficient evidence, other than the evidence required in LC 16.258(3)(a)(i), that the dwelling was lawfully established.

(ii) The dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Home occupations under the following conditions:

(i) The home occupation will be operated by a resident or employee of a resident of the property on which the business is located;

(ii) The home occupation will employ on the site no more than five full or part-time persons;

(iii) The home occupation will be operated substantially in the dwelling or in a structure normally associated with uses permitted in LC 16.258. Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation, unless such structure is a verified nonconforming use under LC 16.251(1)(a) through (c);

(iv) The home occupation will not unreasonably interfere with other uses permitted in LC 16.258 and will comply with any additional conditions of approval;

(v) The home occupation remains and operates in compliance with LC 16.258(5)(b) and with the conditions upon which approval of the home occupation was granted.

(c) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands or similar areas of unique value, and the vegetation and wildlife supported by such waters, artificial stream bank, shoreline stabilization or lake level maintenance (e.g. dams) adjacent to the Lakes, and stabilization necessary to protect lawful structures; provided, however, that such activities shall not endanger water quality, and surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(d) One temporary mobile home in conjunction with an existing dwelling or mobile home subject to compliance with the following conditions:

(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.

(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.

(iii) Satisfactory evidence of the family member's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the family member's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.

(iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(viii) Within three months of the end of the hardship, the temporary mobile home shall be removed from the property or demolished. A temporary mobile home approved under LC 16.258(5)(d) shall not be eligible for replacement under LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a) above.

(e) Parks, playgrounds and community centers on subdivision lots, provided:

(i) The proposed use will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in LC 16.258; and

(ii) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.

(f) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(6) Prohibited Uses. Except as allowed in LC 16.258(3)(e) and LC 16.258(5)(c) above, the following uses and activities are specifically prohibited:

(a) Fill or extraction in the Lakes.

(b) Fill or extraction in freshwater marsh areas located below the ordinary high water mark of the Lakes.

- (c) Development within a riparian area, except for:
  - (i) Pedestrian paths not to exceed five feet in width;
  - (ii) Access to launch sites on the Lakes not to exceed 15 feet in width;
  - (iii) Maintenance of existing roadways, footpaths, and open space;
  - (iv) Maintenance, repairs, additions to or replacement of any existing structures or improvements; and
  - (v) Vegetation removal consistent with LC 16.258(11).
  - (vi) Necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration, distribution and/or transmission facilities.
- (d) Application of petroleum products on graveled surfaces, except as used as preparation for an asphalt concrete or like surface.
- (e) Using or storing materials within the Watershed in a manner that poses a significant threat to water quality in the Lakes.
- (f) Constructing or installing in the Lakes any structure, including but not limited to, shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins, with materials that pose a significant threat to water quality in the Lakes, such as railroad ties treated with creosote or other materials treated with hazardous substances on a list published by DEQ.
- (g) Engaging in an activity or allowing a situation to exist on property within the Watershed which will cause erosion resulting in sediments and materials being deposited in the Lakes which pose a significant threat to water quality in the Lakes. The owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the property or a construction project on the property which will cause erosion prohibited by LC 16.258(6)(g) shall take precautions to prevent that erosion during the permitted activity and thereafter. Such precautions may include, but are not limited to:
  - (i) Temporary or permanent soil stabilization structures or practices, or both;
  - (ii) Temporary or permanent sediment control devices or both;
  - (iii) Avoiding unnecessary excavation and removal of indigenous vegetation; and
  - (iv) Replacement of removed vegetation within 60 days following completion of the construction activity
- (7) Objective Standards for Structures. A plot plan shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:
  - (a) No structure other than a fence or sign shall be located closer than 20 feet from the right-of-way of a state, county or local public access road specified in LC Chapter 15.
  - (b) No structure other than a fence or sign shall be located closer than 10 feet to an adjoining property line, except that for any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the structural setback for property lines other than front-yard shall be five feet.
  - (c) Cornices, canopies and eaves may extend two feet into any required setback area.
  - (d) All roofed structures regulated by the Oregon Structural Specialty Code or Oregon Residential Specialty Code shall have Class A or B roofing as defined by the code and each chimney shall be equipped with a spark arrestor.
  - (e) New dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be sited to provide fuel breaks as required by LC 16.258(12) on land surrounding the dwelling that is owned or controlled by the owner.



(8) Objective Development Standards for Dwellings.

(a) Applicant Responsibility A plot plan and any necessary supporting documentation shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(i) Fire Suppression Water Supplies. Dwellings and habitable structures shall be located within a fire protection district or shall be provided with residential fire protection by contract with the nearest district. If the dwelling or habitable structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impractical, an adequate fire suppression system meeting the requirements of LC 16.258(12)(c) shall be provided.

(ii) Domestic Water Supply. Each new dwelling on forestland shall have a domestic water supply from a source authorized in accordance with the Water Resources Department administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). Evidence of domestic water supply shall include:

(aa) Verification from a water purveyor that the dwelling will be served by the purveyor under the purveyor's rights to appropriate water; or

(bb) A water use permit issued by the Water Resources Department for the dwelling; or

(cc) Verification from the Water Resources Department that a water use permit is not required for the dwelling. If the water supply is from a well and is exempt from permitting requirements under ORS 537.545, the well constructor's report shall be submitted to the county upon completion of the well.

(iii) Connection to Public Sewage Disposal System. Each new dwelling on a subdivision lot shall connect to a public sewage disposal system where such system is legally and physically available. In the event that a public sewage disposal system is not legally or physically available, the owner shall sign and record in county deed records an irrevocable petition and agreement binding upon the owner, and successors in interest, agreeing to connect to a public sewage disposal system when it does become legally and physically available as required by LC 16.258(8)(b)(viii).

(iv) Drain Field Location. Any new sewage disposal drain field installed on a parcel shall be located outside the Watershed or at least 100 feet measured horizontally from the ordinary high water mark of the Lakes.

(v) Tree Stocking. The owner of each new dwelling on forestland shall establish a sufficient number of trees on the tract to meet the minimum stocking requirements of the Forest Practices Act. The following requirements will apply:

(aa) The owner shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;

(bb) The Planning Director shall notify the county assessor of the stocking requirement;

(cc) If the lot is more than 10 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

(dd) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land

designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(vi) Forest Practices Declaration. The owner of each new dwelling on forest land shall provide evidence of a document signed and recorded in the county deed records binding the owner, and the owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) Certified Engineer's, Architect's or Geologist's Report. A plot plan or statement, as may be applicable, shall be submitted by an engineer, architect, or geologist licensed by the State of Oregon, as may be applicable, with necessary detail showing compliance with the following standards:

(i) Runoff from any proposed impervious structure shall not be discharged off site over the surface of the lot or parcel. For the purposes of this paragraph, "structure" shall include that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land, including a building, dwelling, mobile home, manufactured home and accessories, and above ground gas or liquid storage tanks. Roadways, driveways, walks and pedestrian paths shall not be considered structures for purposes of this paragraph.

(ii) Dwellings shall be restricted to slopes of less than 40 percent

(iii) Where dune forms exist, certification that the development shall result in the least topographical modification to the site as practicable.

(iv) For development proposed on a dune land form, a determination identifying the type of land form involved and whether compressible subsurface areas exist on the development site. If compressible subsurface areas exist on the development site, foundations shall be engineered.

(v) Where dune forms exist, sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the LM 10.056 and 10.060.

(vi) If the proposal for development includes the construction of new roads or driveways within the boundaries of the CLWP-RCP Zoning District, a determination that the construction of the new road or driveway will not have an adverse impact on any of the following:

(aa) Water quality;

(bb) Identified hazards associated with activities on the development site or presented by conditions on adjacent sites;

(cc) Historical or archaeological sites as identified in the Lane County Rural Comprehensive Plan;

(dd) Critical fish or wildlife habitat as identified in the Lane County Coastal Inventory;

(ee) Adjacent areas of geologic instability, if any, which have a direct impact on water quality or on shoreline stability;

(ff) Existing Class I streams on the legal lot or parcel;

(gg) Areas of significant shoreland and wetland biological habitat composed of freshwater marshes located below the ordinary high water mark of the Lakes and areas included in the Lane County Coastal Inventory as significant natural areas, or other areas which the Lane County Board of Commissioners may deem significant natural areas based on newly adopted inventory information.

(vii) Fire Safety Design Standards for Roads. Notwithstanding LC Chapter 15, construction of roads and driveways within the Watershed providing access to dwellings shall comply with the standards of this section. In the event the standards of LC Chapter 15 and this section are inconsistent, the standards of this section shall take precedence.

(aa) Definitions. As used herein, "road" means a way of access providing, or proposed to provide, access for more than three dwellings, and "driveway" means a way of access providing access, or proposed to provide access, for three dwellings or less.

(bb) Existing Roads and Driveways.

(i-i) For the purposes of limiting reconstruction of existing roads and driveways and thereby minimizing potential erosion within the Watershed, a road or driveway existing as of the date of adoption and application of these provisions to the property on which the road is located, including a road or driveway from which a new road or driveway extension is proposed, shall not be considered a new road or driveway.

(ii-ii) Use of existing roads and driveways for access to new development shall be made where practicable.

(cc) Location and Design. To the extent practicable, new access roads and driveways shall be located and designed to minimize sediment entering the Lakes by minimizing:

(i-i) the length between the public road and the dwelling site;

(ii-ii) the removal of indigenous vegetation in forested areas;

(iii-iii) the disturbance of the natural topography; and

(iv-iv) the number of crossings over drainage courses including streams.

(dd) Methods of Compliance - Fire Design Standards. New roads and driveways shall be designed and constructed at the minimum width necessary to accommodate fire suppression vehicles. Applicants may establish compliance with this standard by obtaining written verification of compliance from the agency providing fire protection, or applicants may include in the plot plan or statement required by LC 16.258(8)(b) information showing that the following minimum standards have been addressed:

(i-i) Road Dimensions. New roads shall have an unobstructed travel surface width of at least 15 feet; or, if the new road has vehicle passage turnouts 20 feet in length and eight feet in width at intervals of not less than 400 feet, the new road may have an unobstructed travel surface of at least 10 feet,

(ii-ii) Driveway Dimensions. New driveways shall have an unobstructed travel surface width of at least 10 feet.

(iii-iii) Road and Driveway Surfaces. New roads and driveways shall be constructed with travel surfaces with a gravel depth of not less than six inches.

(iv-iv) Additional Road and Driveway Standards. New roads and driveways shall have an additional unobstructed clearance area one foot along each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet, 6 inches.

(v-v) Hammerhead Turnarounds. Any new private, dead-end road or driveway more than 500 feet in length shall include a hammerhead turnaround at the home site, and an additional hammerhead turnaround at the entry to the property if the home site is located more than 400 feet from the entry to the property. Hammerheads shall have an improved surface with a minimum turning radius of 20 feet, an overall depth of at least 60 feet, and a width of at least 20 feet. Hammerheads on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches.

(vi-vi) Bridges and Culverts. New bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 15 foot road width surface or a minimum 10 foot driveway surface. Railway flat bed cars of narrower widths are acceptable for short bridges on private roads and driveways with written verification from an engineer licensed in the State of Oregon attesting that the railway car has sufficient strength to maintain a minimum gross weight of 50,000 lbs.

(vii-vii) Road and Driveway Grades. Road and driveway travel surface grades shall not exceed 16 % (percent) except for short distances when topographic conditions make compliance impractical.

(ee ) Identification. Roads shall be named and addressed in compliance with LC 15.305 -15.335.

(viii) Access Easement and Petition. All owners proposing development on a subdivision lot, subject to the standards in LC 16.258(7) and (8), shall execute the following documents which shall be recorded in the official deed records of Lane County:

(aa) An irrevocable petition consenting to the construction of a public sewage disposal system to serve the subdivision lot and agreeing to connect thereto when such system becomes legally and physically available at the same cost as that charged to other similarly situated subdivision lot owners; and

(bb) A perpetual easement providing access to any public drainage or sewage disposal system constructed on the legal lot for purposes of insuring drainage disposal and sewage treatment and disposal consistent with the regulations of local and state agencies concerned with sewage treatment and disposal, and water quality in the Lakes. This easement shall be given to the local governmental unit providing drainage or sanitary sewer service, as may be applicable, and shall allow the employees and agents of the grantee to perform their official duties regarding the inspection, operation and maintenance of such facilities.

(9) Site Investigation Reports (SIR). If any of the factors listed in LC 16.258(8)(b)(vi)(aa-gg) above are identified and exist where they will be adversely impacted by the road or driveway:

(a) A Site Investigation Report (SIR) is required. The form and content of the SIR is as specified by LM 10.060. The SIR is designed to provide in-depth information concerning hazards and potential adverse impacts associated with the proposed road or driveway and to suggest methods for minimizing or mitigating the impacts.

(b) Preparation of a SIR, if required under the provisions of LC 16.258(9)(a), is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(c) The SIR shall be prepared by a qualified person or team of persons having expertise and familiarity with the area. The applicant shall choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, based on standards approved by the Board of County Commissioners.

(d) Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development of the road or driveway for the purpose of minimizing or mitigating hazards or adverse impacts and preserving the water quality of the Lakes.

(e) An applicant may appeal the determination of, or the imposition of conditions based on the SIR, in the manner for such appeal as provided by LC 14.080 except for LC 14.080(1)(a).

(10) Area. The minimum area requirement for the division of land is 80 acres, except as follows:

(a) A division of forestland, as designated in the Lane County Rural Comprehensive Plan, to facilitate a forest practice as defined in ORS 527.620 may be allowed to create a parcel containing less than 80 acres, provided findings demonstrating that there are unique property specific characteristics present in the proposed parcels that require an amount of land smaller than 80 acres in order to conduct the forest practice and the following requirements are met:

(i) The new parcels shall not be eligible for siting an additional dwelling;

(ii) The parcels shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iii) The parcels shall not, as a result of the land division, be used to justify the redesignation or rezoning of resource lands;

(iv) The parcels shall not contain less than 35 acres except:

(aa) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency, or;

(bb) Where the purpose of the land division is to allow transactions in which at least one person is a person with cumulative ownership of at least 2,000 acres of forestland; and

(v) If associated with the creation of a parcel where a dwelling is involved, the parcel where the dwelling is involved shall not contain less than 80 acres.

(b) A parcel may be created for an existing dwelling on land designated forestland in the Lane County Rural Comprehensive Plan, subject to the following requirements:

(i) The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall be no larger than 10 acres;

(ii) The dwelling must be lawfully existing since prior to June 1, 1995.

(iii) The remaining parcel not containing a dwelling must contain 80 acres, or, the remaining parcel not containing the dwelling, must be consolidated with another parcel, and together the parcels must contain 80 acres;

(iv) The remaining parcel not containing a dwelling is not entitled to a new dwelling unless subsequently authorized by law or goal;

(v) The landowner shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded in the official deed records of Lane County. The restriction shall allow no new dwellings unless authorized by law or goal on lands zoned for forest use. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to state-wide planning goals pertaining to agricultural land or forestland. The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(vi) The landowner shall complete and record a Forest Management Agreement in the Lane County deed records, recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules and declaring that the owner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(c) For those lands that are subdivided lots, the minimum area requirement for the division of land is one acre.

(d) For those lands that qualify for marginal land zoning under ORS 197.247 (1991 Edition), the minimum area required for the division of land is:

(i) Ten acres if the lot or parcel is not adjacent to land zoned for exclusive farm use or forest use, or if it is adjacent to such land, the adjacent land qualifies for designation as marginal land under ORS 197.247 (1991 Edition).

(ii) Twenty acres if the lot or parcel is adjacent to land zoned for forest use or exclusive farm use and that adjacent land does not qualify for designation as marginal land under ORS 197.247 (1991 Edition).

(11) Restoration of Vegetation Within Riparian Areas. Except as allowed by LC 16.258(11)(a) below, a permit to remove vegetation, or if a permit is required due to unauthorized removal of vegetation, within the riparian area, shall require an application by the owner of the property, or other person responsible, for a Preliminary Investigation. Potential impacts identified in LC 16.258(11)(b) shall be addressed and/or mitigated through the review, approval and implementation of a Restoration Plan pursuant to LC 16.258(11)(b) below.

(a) Exemption. No permit under this section shall be required for removal of vegetation:

(i) Associated with the construction of a pedestrian path not to exceed five (5) feet in width, access to launch sites on the Lakes not to exceed fifteen (15) feet in width, maintenance of existing roadways, footpaths and open space, maintenance, repair, addition to or replacement of any existing structures or improvements and necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration and/or transmission facilities.

(ii) That poses a safety or health hazard, such as a danger tree.

(b) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal and the potential impacts of the removal to water quality in the Lakes. For the purpose of this section, potential adverse impacts shall include the removal of vegetation in whole or in part, which poses a significant threat to the functions identified in this subsection. This investigation shall identify the approval criteria which must be addressed by the property owner in the Restoration Plan pursuant to LC 16.258(11)(c) below, and shall include identification of the removed vegetation serving one or more of the following functions:

(i) Shading of the Lakes;

(ii) Stabilization of a stream bank or shoreline;

(iii) Habitat for sensitive aquatic or terrestrial wildlife species;

(iv) Habitat for rare, endangered or threatened species;

(v) Water quality of the Lakes.

(c) Restoration Plan. Where required by the Preliminary Investigation, the person responsible for removing the vegetation shall submit a Restoration Plan to the Director pursuant to Type II procedures of LC Chapter 14, which includes a complete inventory of the vegetation which was removed or is proposed for removal. The vegetation inventory shall identify previous and existing plant community locations and the maturity and densities of previously existing or current plant species. An approved Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Director in accordance with LC 16.258(11)(d) below:

(i) Restoration of the riparian area shall provide a recovery and restoration planting schedule to include successional planting, seasonal maintenance, and other management activities that provide for the complete recovery of vegetation;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation;

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation; and

(iv) Mitigation of any other condition resulting from the removal of vegetation from the riparian area identified as having a significant adverse affect upon water quality in the Lakes.

(d) Director's Action.

(i) The Director may approve the Preliminary Investigation and Restoration Plan if there are adequate findings of fact supporting mitigation of the adverse impacts and the applicable approval criteria for the proposed Restoration Plan. The Director may impose conditions of approval necessary for compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to Type II procedures of LC Chapter 14.

(ii) Reasonable conditions may be placed upon the permit and the approval of a Restoration Plan to mitigate impacts and to provide for continued compliance with the protection standards as set forth in the Restoration Plan approved under LC 16.258(11)(d)(i) above. Unless otherwise approved, implementation of the plan must commence within 60 days of the Director's approval of the Restoration Plan. Required subsequent maintenance and successional plantings shall be identified in the Restoration Plan approved by the Director. Conditions may include, but are not limited to, the following:

(aa) The person responsible may be required to enter into a performance agreement to pay all costs associated with implementing the Restoration Plan.

(bb) The Director may require the person responsible to record notice of the requirements of the Restoration Plan and performance agreements in the Lane County Deed Records.

(cc) To partially defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fee shall be as established by Order of the Board of County Commissioners.

(iii) The Director shall notify the applicant of the determination of the Preliminary Investigation and the requirements of a Restoration Plan, if any, by mail within 10 days of completion of the Preliminary Investigation.

(iv) As provided in LC 14.080, except for LC 14.080(1)(a), an applicant may appeal the determination of the Preliminary Investigation.

(12) Fuel Breaks and Fire Suppression. No indigenous vegetation shall be removed from the riparian area around the Lakes for the purpose of complying with the secondary fuel break requirements of this section because the Lakes are bodies of water which mitigate the shoreward fire hazard. Fuel breaks around new dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be established and maintained as follows:

(a) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot by application of the following standards:

(i) Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height).

(ii) Individual or small groups of trees should be spaced with at least 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches.

(iii) Accumulated leaves, needles, and other dead vegetation should be removed from beneath trees.

(iv) Nonflammable materials (e.g., rock), instead of flammable materials (e.g., bark mulch), should be placed next to the house.

(v) As slope increases, except in the riparian area, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table below:

| <b>Size of the Primary Safety Zone by Percent Slope</b> |                                    |  |
|---|------------------------------------|--|
| <b>% Slope</b>  | <b>Feet of Primary Safety Zone</b> | <b>Feet of Additional Safety Zone Down Slope</b> |
| 0   | 30                                 | 0  |
| 10  | 30                                 | 50   |
| 20  | 30                                 | 75   |
| 25  | 30                                 | 100  |
| 40  | 30                                 | 150  |

(b) Secondary Fuel Break. The secondary fuel break is a fuel break located on the applicant's property extending a minimum of 100 feet in all directions around the primary safety zone. The secondary fuel break shall not apply in the riparian area. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced by application of the following standards:

(i) Individual or small groups of trees shall be spaced with at least fifteen (15) feet between the crowns, and pruned to remove dead and low (less than 8 feet) branches.

(ii) Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(c) Fire Suppression Water Supply. Unless otherwise authorized by the Planning Director, the minimum acceptable fire suppression water supply system for dwellings and habitable structures not provided with residential fire protection from a fire protection district shall include the following:

(i) 1,500 gallon water reservoir with a submersible 1 1/2 HP pump. Alternatives, such as road access to a water supply which meets or exceeds this requirement, may be allowed subject to review and approval by Land Management Division pursuant to LC 16.258(13), below;

(ii) a minimum of two, one-inch frost-free valve operated hydrants;

(iii) a minimum of two hose reels installed 50 to 75 feet from the dwelling foundation;

(iv) each hose reel shall contain a minimum of 100 feet of 1 inch diameter hose;

(v) each hose shall have a 1/4 inch diameter nozzle;

(vi) all hoses shall be rated for fire suppression systems;

(vii) vehicle access to within 15' of the water reservoir or water supply for fire-fighting pumping units;

(viii) the road access shall accommodate the turnaround of fire-fighting equipment during the fire season; and

(ix) permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(13) Verification of Compliance with Conditions of Approval. An application to verify compliance with conditions of land use approval, together with the required processing fees, shall be required for any dwelling requiring fuel breaks or a fire suppression system, any proposed use requiring a site investigation report under LC 16.258(9) above, or any Director's level or Hearing Official decision for which conditions of approval have been imposed. Prior to commencement of the use or the



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issuance of any occupancy permit for the dwelling, the conditions of approval must be met and verified by the Lane County Land Management Division. *(Revised by Ordinance No. 6-10, Effective 9.17.10)*

**LEGAL DESCRIPTION OF CLEAR LAKE WATERSHED**

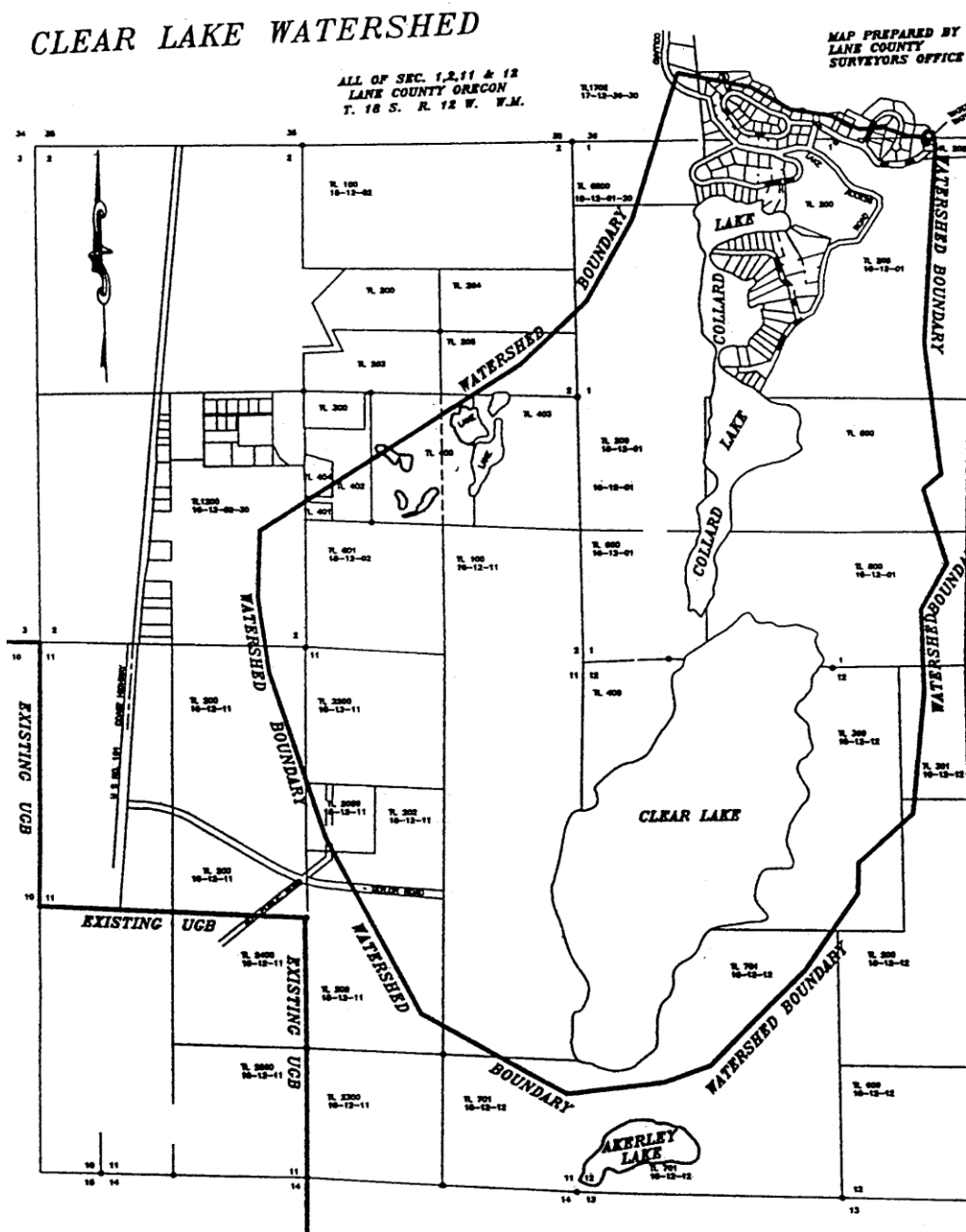
Beginning at point known as Tank One, located in Section One, Township 18 South, Range 12 West, of the Willamette Meridian, Lane County Oregon;

Run thence S. 67° 50' 51.5" E. 97.8 ft. to the True Point of Beginning;  
Run thence S. 05° 40' 43.0" W. 1960.62 ft. to a point,  
Run thence S. 04° 58' 45.4" E. 1301.91 ft. to a point,  
Run thence S. 52° 44' 01.0" W. 231.21 ft. to a point,  
Run thence S. 15° 20' 45.4" E. 774.62 ft. to a point,  
Run thence S. 31° 44' 14.0" W. 520.89 ft. to a point,  
Run thence S. 00° 24' 43.9" W. 834.02 ft. to a point,  
Run thence S. 07° 49' 01.8" W. 1191.07 ft. to a point,  
Run thence S. 50° 26' 06.3" W. 73 1.61 ft. to a point,  
Run thence S. 02° 51' 10.5" W. 301.37 ft. to a point,  
Run thence S. 36° 37' 58.2" W. 918.41 ft. to a point,  
Run thence S. 47° 12' 26.3" W. 1321.86 ft. to a point,  
Run thence S. 72° 58' 54.2" W. 498.84 ft. to a point,  
Run thence S. 85° 44' 21.3" W. 955.64 ft. to a point,

Which is N. 11° 39' 16.9" W. 5434.90 ft. from a point known as Green Two (located in section 13 in said Township and Range);

Run thence N. 58° 09' 44.1" W. 1630.28 ft. to a point,  
Run thence N. 25° 23' 10.1" W. 1978.00 ft. to a point,  
Run thence N. 16° 34' 21.0" W. 1731.95 ft. to a point,  
Run thence N. 06° 13' 18.0" W. 747.40 ft. to a point,  
Run thence N. 03° 50' 32.8" E. 671.51 ft. to a point,  
Run thence N. 59° 33' 18.9" E. 1117.02 ft. to a point,  
Run thence N. 59° 50' 06.0" E. 1894.56 ft. to a point,  
Run thence N. 48° 28' 40.0" E. 897.56 ft. to a point,  
Run thence N. 31° 29' 50.7" E. 920.64 ft. to a point,  
Run thence N. 19° 46' 39.6" E. 1524.95 ft. to a point,  
Run thence S. 76° 05' 37.1" E. 748.95 ft. to a point,  
Run thence S. 57° 33' 30.2" E. 445.53 ft. to a point,  
Run thence S. 78° 27' 44.9" E. 394.98 ft. to a point,  
Run thence S. 61° 55' 39.0" E. 323;00 %. to a point,  
Run thence N. 89° 04' 46.8" E. 249.03 ft. to a point,  
Run thence S. 67° 43' 17.4" E. 245.31 ft. to a point,  
Run thence S. 79° 55' 09.8" E. 45.71 ft. to a point,  
Run thence S. 83° 59' 27.6" E. 95.52 ft. to a point,  
Run thence N. 42° 02' 57.2" E. 68.68 ft. to a point,  
Run thence S. 80° 41' 24.2" E. 61.81 ft. to a point,  
Run thence S. 10° 47' 03.5" E. 128.27 ft. to the True Point of Beginning.

APPENDIX "A" TO LANE CODE  
CHAPTER 16 (LC 16.258(2))  
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chapter may also be subject to an administrative civil penalty. Continued failure to comply with this chapter 10 days from the mailing of the notice of the failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service, and continued failure to comply after an order has been entered constitutes a separate failure to comply for each day the occurrence continues. The Manager of the Lane County Land Management Division, Department of Public Works, or said Manager's duly authorized representatives, shall have the authority to issue a notice of failure to comply. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93)*

## TELECOMMUNICATION TOWER STANDARDS RURAL COMPREHENSIVE PLAN

### 16.264 Telecommunication Tower Standards.

(1) Purpose. The provisions of this section are intended to ensure that telecommunication facilities are located, constructed, maintained and removed in a manner that:

- (a) Recognizes the public need for provision of telecommunication facilities;
- (b) Allows appropriate levels of service to be obtained throughout the County;
- (c) Minimizes the number of transmission towers throughout the County;
- (d) Encourages the collocation of telecommunication facilities; and
- (e) Ensures that all telecommunication facilities, including towers, antennas, and

ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the county. Nothing in this section shall preclude collocation opportunities nor adversely affect multiple use towers. Nothing in this section shall apply to amateur radio antennae, or facilities used exclusively for the transmission of television and radio signals.

(2) Definitions. As used in LC 16.264, the following words and phrases mean:

Ancillary facilities. The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennae. An electrical conductor or group of electrical conductors that transmit or receive radio signals, excluding amateur radio antennae.

Attachment. An antenna or other piece of related equipment affixed to a transmission tower.

Changeout. Reconstruction or replacement of existing collocations or transmission towers with similar equipment, in conformance with LC 16.264(3)(h) below.

Collocation. Placement of an antenna or related telecommunication equipment on an existing structure or building where the antennas and all supports are located on the existing structure or building.

Provider. A person in the business of designing and/or using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Telecommunication Facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, related telecommunication equipment, towers and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "telecommunication facilities."

Tract. A unit of land comprised of adjacent parcels and lots under the same ownership.

Transmission Tower. The structure, such as a monopole or lattice framework, designed to support transmitting and receiving antennae and related telecommunication equipment. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers."

(3) Standards applicable to all telecommunication facilities.

(a) Telecommunication facilities shall be limited to the height necessary to provide the service, not to exceed 200 feet in height from ground level.

(b) Based on the existing conditions and vegetation at the site, telecommunication facilities shall be designed and constructed to reduce visibility of the facilities. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.

(i) The transmission tower shall be surfaced in a non-reflective material that minimizes glare and is colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background.

(ii) The antenna, related telecommunication equipment and ancillary facilities shall be surfaced in non-reflective material to match the transmission tower. If not attached to a transmission tower, they shall be colored similar to the adjacent background.

(c) Consideration shall be given to other sites and equipment that would have less visual impact than those proposed. The applicant shall demonstrate that less intrusive sites and equipment are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.

(d) No lighting of telecommunication facilities is allowed, except as required by the Federal Aviation Administration, Oregon Department of Aviation or other federal or state agencies. Required lighting shall be shielded from the ground to the extent it does not violate state or federal requirements.

(e) Equipment areas shall be enclosed by a chain link fence or equivalent.

(f) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.

(g) Maintenance and repair of a lawfully existing telecommunication facility does not require a land use application approval.

(h) Changeouts. The changeout of an existing transmission tower or collocation does not require a land use application when the following criteria apply:

(i) The new equipment does not increase the tower height or base diameter.

(ii) No new lights are proposed unless required by the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).

(iii) The new equipment does not increase the number of antennas or external transmitters. Existing antennas and external transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters.

(iv) The replacement antennas or external transmitters shall not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.

(v) The new equipment shall have a similar exterior color as the existing equipment.

(i) Within a forest zone, the following standards shall apply:

(i) A fuel break shall extend 50 feet surrounding ancillary facilities containing new or replacement propane or gas powered generating equipment. Except for trees, vegetation within the fuel break shall be maintained at less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet above ground) branches. Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.

(ii) Private roads and driveways that provide access to new or replacement transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).

(j) Notice. In lieu of the notice area in LC 14.060(4)(a), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.060(4)(a), as applicable.

(4) Standards for a new or replacement transmission tower.

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with Type III procedures of LC Chapter 14, except that

LC 14.060(4)(a) noticing requirements does not apply to applications involving a leased area.. To be approved, the application must comply with LC 16.264(3) and 16.264(4).

(b) Neighborhood meeting. Prior to submittal of a land use application, the applicant shall conduct a neighborhood meeting in the general area of the proposed telecommunication tower.

(i) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting in conformance with 16.264(3)(j). In addition, the notice shall be sent to tenants living within the noticed area. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain the information required by LC 16.264(4)(b)(i) for the mailed notice.

(iii) Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(c) Required submittals. The application shall contain the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate;

(C) Documentation in the form of lease agreements for a minimum of two collocations on the proposed telecommunication tower.

(iii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by any proposed collocations, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(iv) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(4)(f)(iv). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(v) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vi) A map of all transmission towers and properties that have obtained approval for a transmission tower, within ten (10) miles of the proposed facility.

(vii) Certification by an Oregon-registered professional engineer that the design of the tower will support at least three users (the primary user and two collocation sites).

(viii) Evidence of the notification and the neighborhood meeting.

(ix) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunication tower, ancillary facilities, and restoration of the site.

(x) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

- (d) Performance standards. The transmission tower shall comply with the following:
  - (i) The tower shall be necessary to provide service to the intended area. The applicant shall provide evidence the existing and approved telecommunication facilities within ten miles would not provide an adequate level of service, based on the following:
    - (A) Lack of useable and compatible collocation space;
    - (B) Inability to meet service coverage area and capacity needs; or
    - (C) Technical reasons such as channel proximity and inter-modulation.
  - (ii) The transmission tower shall be designed to accommodate at least three users (the primary user and two collocation sites).
  - (iii) The cumulative radio frequency emissions from all the collocations on a single structure shall not exceed the maximum exposure limits of the FCC.
  - (iv) When access is provided by a private road, all necessary access easements and roadways shall be maintained.
  - (v) Prior to land use approval of a building permit for a telecommunication tower, the applicant shall:
    - (A) Provide documentation showing the FAA, the ODA, and any other applicable state agency, have approved the tower, or that the tower does not require approval by these agencies;
    - (B) When the tower is within 14,000 feet of an airport, provide the FAA registration number for the transmission tower, or documentation showing the tower does not require registration.
- (e) Setbacks and separation requirements.
  - (i) Setbacks. The tower shall comply with the setback of the base zone.
  - (ii) Separation. The tower shall be 1200 feet from any dwelling or school, except:
    - (A) An encroachment into the separation distance is allowed if the homeowner(s) who is being encroached upon submits written approval of the encroachment.
    - (B) This separation shall not apply to any dwellings or schools located on the parcel containing the proposed tower.
- (f) Expiration and Renewal of the Special Use Permit.
  - (i) If a telecommunications tower is not placed into service within 2 years of issuance of a building permit, the special use permit shall expire.
  - (ii) In lieu of LC 14.090(6), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.
  - (iii) To renew the special use permit, an application shall be submitted in accordance with LC Chapter 14. To be approved, the application shall contain documentation showing:
    - (A) The telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC); and
    - (B) The tower continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.
  - (iv) If a transmission tower authorized under this section is not used as a telecommunication facility for a period of one (1) year, the special use permit shall expire and the tower shall be removed.
- (5) Collocation. A new or replacement collocation shall comply with the following:
  - (a) Review process. Collocation requires submittal of a land use application pursuant to Type II procedures of LC Chapter 14. Director approval is required pursuant to Type II procedures of LC Chapter 4, excluding the notice area at LC 14.060(4)(a) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).
  - (b) Required submittals. An application for a collocation shall include the following information:
    - (i) A site plan, drawn to scale, showing:



(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower, collocation, and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate.

(iii) If the collocation is within 14,000 feet of an airport, provide the FAA registration number for the tower structure, or documentation showing that the tower does not require registration.

(iv) Documentation demonstrating that the Oregon Department of Aviation has reviewed the proposal. When the proposed collocation does not increase the height of the tower, documents from the ODA approving the tower may be substituted.

(v) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(5)(c)(ii). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(vi) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the Federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by the proposed collocation, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(viii) Certification by an Oregon-registered professional engineer that the telecommunication facility will support the proposed collocated equipment.

(ix) Documentation showing that the applicant has an FCC license for the geographic region and for the service proposed by the collocation.

(x) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the collocation, ancillary facilities, and restoration of the site to the way it appeared before collocation approval.

(xi) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(c) Performance standards. Collocations shall comply with the following:

(i) All collocations on the structure shall comply with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(ii) Any collocation and ancillary facilities authorized under this subsection shall be removed after one year of non-use and the approval shall expire.

(iii) The provider shall maintain an FCC license for the geographic region and for the service provided by the collocation. *(Revised by Ordinance 4-02, Effective 4.10.02; 17-04, 3.18.05; 6-10, 9.17.10)*

**GOSHEN INDUSTRIAL ZONES (GI, LI)  
RURAL COMPREHENSIVE PLAN (RCP)**

**LC 16.280 Goshen Industrial Zones (GI, LI)**

**Sections:**

- (1) Purpose**
- (2) Definitions**
- (3) Land Use Categories**
- (4) Industrial Use Categories**
- (5) Applicability**
- (6) Site Design Review**
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- (8) Permitted Land Uses**
- (9) Development Standards**
- (10) Access and Circulation**
- (11) Landscaping, Fences, Walls and Screening**
- (12) Parking and Loading**
- (13) Noise Standards**
- (14) Outdoor Lighting Standards**
- (15) Signs**
- (16) Utility Facilities**

- (1) Purpose.** The purpose of the Goshen Industrial zones are to promote economic growth and development that takes advantage of the significant comparative advantages of Goshen including presence of rail and highway access, while being in close proximate to the Eugene/Springfield metro area. The zones will accommodate industrial uses focusing on manufacturing and production, industrial service, and accessory or supportive uses to serve the needs of these primary uses. The zones are intended to buffer incompatible industrial developments from other zones, while providing a quality environment for businesses and employees. This Section (16.280) of Lane Code guides the orderly development of Goshen urban industrial uses and is intended to:

- (a)** Provide for efficient use of land and public services.
- (b)** Promote the area's transportation and other infrastructure, and logistical advantages.
- (c)** Encourage economic development, expansion, and creation of jobs in the area.
- (d)** Increase compatibility between uses and nearby commercial and residential or resource zones.
- (e)** Provide appropriate design standards to accommodate a range of industrial users.
- (f)** Utilize industrial zoned lands for increased levels of development resulting in living wage jobs.
- (g)** Protect and diversify the economy of the county.
- (h)** Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

Two different zones are intended to provide land that is appropriate for the following uses based on size, location, and other characteristics.

**General Industrial (GI):** The purpose of this zone is to provide opportunities for industrial uses that create jobs that pay no less than 150% of the median wage, which are essential to the development of a balanced economic base in an industrial environment with a minimum conflict

between industrial uses and non-industrial uses. Additionally, it is the primary purpose of the GI zone to focus on rail dependent uses that create a significant number of jobs. The GI zone is intended to encourage Manufacturing and Production uses which are by their nature expected to create a significant number of jobs.

**Light Industrial (LI):** The purpose of this zone is to provide opportunities for light industrial uses on existing smaller properties.

These zones are identified on the County's official zoning map. The zones serve distinctly different uses as described.

## (2) Definitions

- (a) **Industrial Use** – means employment activities, including, but not limited to the use of land primarily for the manufacture, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development, that generate income from the production, processing, handling or distribution of goods and services, including goods and services in the traded sector as defined by ORS 285A.010.
- (b) **Commercial Use** – means the use of land involving buying or selling of goods or services as the primary activity.
- (c) **Corporate Office/Headquarters** – means a building or portion of a building in which people are employed in the management or direction of a business consisting of one or more companies, or divisions or groups of companies. This use must be directly associated with and subordinate to a permitted use or use allowed with a Special Use Permit on the same site.
- (d) **Non-native, invasive plants** – means plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.
- (e) **Rail dependent.** A use, facility or activity that demonstrates a benefit from access to rail or can utilize or integrate access to the rail into their business operations.
- (f) **Rail related.** Uses or facilities that are not directly dependent upon access to rail, but that provide goods or services that are directly associated with rail-dependent land or use, and that, demonstrate that if not located near rail related uses would result in a loss of quality or increase in cost of the goods or services offered.

## (3) Land Use Categories

For the purpose of this Chapter uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

- (a) **Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The characteristics subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.
- (b) **Interpretation.** When a use's category is not clearly identifiable, the Director, through an administrative action, determines the applicable use category. The following is

considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

- (i) The description of the activity(ies) in relationship to the characteristics of each use category;
- (ii) The relative amount of site or floor space and equipment devoted to the activity;
- (iii) Relative amounts of sales from each activity;
- (iv) The customer type for each activity;
- (v) The relative number of employees in each activity;
- (vi) Hours of operation;
- (vii) Building and site arrangement;
- (viii) Vehicles used with the activity;
- (ix) The relative number of vehicle trips generated by the activity;
- (x) Signs;
- (xi) How the use advertises itself; and
- (xii) Whether the activity would function independently of the other activities on the site.

- (c) **Developments with multiple primary uses.** When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a Research and Development facility and a manufacturing and production facility, the uses would be classified in the Industrial category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

#### (4) **Industrial Use Categories**

##### (a) **Industrial Service**

- (i) “Industrial Service” refers to 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.
- (ii) Accessory uses may include but are not limited to offices, parking, storage, rail spur or lead lines, and docks.
- (iii) Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; technology development and support centers; industrial laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- (iv) Exceptions

- (aa) Contractors and others who perform Industrial Services off-site are included in the office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.
- (bb) Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

**(b) Manufacturing and Production**

- (i) “Manufacturing and Production” refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-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.
- (ii) Accessory uses may include but are not limited to offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site is allowed. Other living quarters are subject to the regulations for Residential Uses.
- (iii) Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, computer and electronic devices; biotechnology; production of artwork and toys; sign making; production of prefabricated structures, including manufactured homes; the production of energy; and paper products processing.
- (iv) Exceptions
  - (aa) Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
  - (bb) Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

**(c) Warehouse, Freight Movement, and Distribution**

- (i) “Warehouse, Freight Movement, and Distribution” refers to the storage, or movement of goods by a company 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.
- (ii) Accessory uses may include but are not limited to offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

(iii) Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck/freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

(iv) Exceptions

(aa) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

(bb) Mini-warehouses are classified as Self-Service Storage uses.

**(d) Waste-Related**

(i) “Waste-Related” refers to 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. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

(ii) Accessory uses may include but are not limited to recycling of materials, offices, and repackaging and transshipment of by-products.

(iii) Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

(iv) Exceptions

(aa) Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.

(bb) Sewer pipes that serve a development are considered a basic utility.

(cc) Recycling operations are not considered a Waste related use. They are classified as an Industrial Service use.

**(e) Wholesale Sales**

(i) “Wholesale Sales” refers to 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.

(ii) Accessory uses may include but are not limited to offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

(iii) Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies,

janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

**(iv) Exceptions**

**(aa)** Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

**(bb)** Firms that engage in sales on a membership basis are classified as Retail Sales and Service.

**(cc)** Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

**(5) Applicability**

The provisions of this subsection of Lane Code Chapter 16, the Goshen Industrial zones, apply to all development on property zoned General Industrial (GI) and Light Industrial (LI) within the unincorporated community of Goshen. The location of the GI and LI zones are identified on the Lane County official zoning map.

Where a provision or condition imposed by a provision of this section conflicts or overlaps with another provision or condition imposed by a provision of this section or other section of Chapter 16 of Lane Code, the provision or condition imposed by a provision that is more restrictive governs.

**(6) Site Design Review**

**(a) Purpose.** The purpose of this subsection, Site Design Review, is to:

- (i)** Provide rules, regulations and standards for efficient and effective administration of land use review in the Goshen Industrial Zones;
- (ii)** Promote the public health, safety and general welfare;
- (iii)** Provide compatibility through provisions for adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- (iv)** Encourage the conservation of energy resources; and
- (v)** Encourage efficient use of land resources, full utilization of services, mixed uses, and transportation options.

**(b) Applicability.** Site Design Review is required for all new developments and modifications of existing developments in the Goshen Industrial zones, subject to this section of Lane Code Chapter 16, in accordance with subsection (5), Applicability, of this section. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair are exempt from Site Design Review.

- (c) **Application Review.** Site Design Review will be processed pursuant to Type II procedures of LC Chapter 14, and subject to the application requirements and approval criteria contained in subsections 6(e) and 6(f), below.

Site Design Review ensures compliance with the basic land use and development standards of the land use zone, such as setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of Lane Code as applicable.

- (d) **Permit Approval and Modifications.** Applicant must not commence or authorize development until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval, and any other required land use decisions) and building permits. Applicant must not commence or authorize construction of public improvements until the County has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The County may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements.

Modification of application for a Site Design Review or Special Use Permit application means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following components: proposed uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

- (i) An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process.
- (ii) The Approval Authority may not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 150-day review period as of the date the modification is submitted. The 150-day review period for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days from the day the application was accepted as complete.
- (iii) The Approval Authority may require that the application be re-noticed and additional hearings be held.
- (iv) Up until the day a hearing is opened for receipt of oral testimony, the Director has sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Approval Authority makes such determinations. The Approval Authority's determination on whether a submittal constitutes a modification is appealable to LUBA after a final decision is entered by the County on an application.



- (e) **Site Design Review - Application Submittal Requirements.** All of the following information is required for Site Design Review application submittal:
- (i) **Site Design Review Submission Requirements.** An application for Site Design Review must contain all of the information required under LC 14.040(1). In addition an applicant for Site Design Review must provide the following additional information, as deemed applicable by the Director. The Director may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the Approval Authority:
- (aa) **Site analysis map.** (existing conditions) At a minimum the site analysis map must contain the following:
- (A) The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the County (minimum of 250 feet), and the relationship between the proposed development site and abutting property and development. The property boundaries, dimensions and gross area must be identified;
  - (B) Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;
  - (C) Identification of slopes greater than 25 percent;
  - (D) The location and width of all existing: utilities, public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
  - (E) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the County or State as having a potential for geologic hazards;
  - (F) Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the County or any natural resource regulatory agencies as requiring protection;
  - (G) Site features, including existing structures, pavement, large rock outcroppings, drainage ways, canals and ditches;
  - (H) Locally or federally designated historic and cultural resources on the site and abutting parcels or lots;
  - (I) The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;
  - (J) North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

- (K) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

**(bb) Proposed site plan.** The site plan must contain the following information:

- (A) The proposed development site, including boundaries, dimensions, and gross area;
- (B) Features identified on the existing site analysis maps that are proposed to remain on the site;
- (C) Features identified on the site analysis map, if any, which are proposed to be removed or modified by the development;
- (D) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- (E) The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site including outdoor storage areas, fencing, etc. All impervious and pervious areas must be delineated. Setback dimensions for all existing and proposed buildings must be provided on the site plan;
- (F) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- (G) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- (H) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to abutting properties, and any bicycle lanes or trails;
- (I) Loading and service areas for waste disposal, loading and delivery;
- (J) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- (K) Location, type, and height of outdoor lighting;
- (L) Location of mail boxes, if known;
- (M) Name and address of project designer, if applicable;
- (N) Locations of bus stops and other public or private transportation facilities;
- (O) Locations, sizes, and types of signs;

- (cc) **Architectural drawings.** Architectural drawings demonstrating compliance with subsection (9)(e), Design Standards, below, and showing one or all of the following are required for new buildings and major remodels:
- (A) Building elevations (as determined by the County Director) with building height and width dimensions;
  - (B) Building materials, colors and type;
  - (C) The name of the architect or designer.
- (dd) **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer is required for development sites ½ acre or larger. The preliminary grading plan must show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with subsection (16)(d), Stormwater Management Requirements.
- (ee) **Landscape plan.** A landscape plan is required demonstrating compliance with the provisions of subsection (11), Landscaping, Fences, Walls and Screening, below, and must show the following:
- (A) The location and height of existing and proposed fences, buffering or screening materials;
  - (B) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - (C) The location, size, and species of the existing and proposed plant materials (at time of planting);
  - (D) Existing and proposed building and pavement outlines;
  - (E) Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
  - (F) Other information as deemed appropriate by the County Director.
- (ff) Sign drawings must detail the location, size, and colors of any proposed signs.
- (gg) Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.
- (hh) Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in subsection (6)(f), Site Design Review Approval Criteria.

- (ii) Traffic Impact Study, when required in accordance with subsection (16)(b), Roads, below, a traffic study must be prepared in accordance with the road authority's requirements. See Lane Code 15.696-15.697 for relevant standards.
  - (jj) Other information. When determined by the Director, the County may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code including but not limited to:
    - (A) **Public Facilities and Services Impact Study.** An impact study when required must quantify and assess the effect of the development on public facilities and services. The scope of the study will be determined by the County during the pre-application conference. For each public facility system and type of impact, the study must propose improvements necessary to meet County standards;
    - (B) In situations where this Code authorizes the dedication of real property to the County, in order for the County to include the dedication as a condition of approval the County must include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services.
- (f) **Site Design Review Approval Criteria.** The Approval Authority must make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:
  - (i) The application is complete, as determined in accordance with LC 14.050 and subsection (6)(e), Site Design Review – Application Submittal Requirements, above.
  - (ii) The application complies with all of the applicable provisions of the underlying Land Use Zone, including: setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of subsections (8), Permitted Land Uses, and (9), Development Standards including special standards as may be required for certain land uses.
  - (iii) The applicant is required to upgrade any existing development that does not comply with the applicable land use zone standards, in conformance with section (5) and Lane Code Chapter 16.251, Non-Conforming Uses.
  - (iv) The application complies with all of the following Standards as applicable:
    - (aa) subsection (10) - Access and Circulation;
    - (bb) subsection (11) - Landscaping, Fences, Walls and Screening;
    - (cc) subsection (12) - Parking and Loading;

- (dd) subsection (13) – Noise Standards;
  - (ee) subsection (14) – Outdoor Lighting Standards;
  - (ff) subsection (15) – Signs;
  - (gg) subsection (16) – Utility Facilities.
- (g) Existing conditions of approval required as part of a prior Land Division, Special Use Permit, Site Plan/Design approval or other approval must be met when the development under the previous approval is proposed to continue to exist.

**(7) Special Use Permit**

The County must approve, approve with conditions, or deny an application for a Special Use Permit or to enlarge or alter a Special Use based on findings with respect to each of the following standards and criteria:

**(a) Use Criteria**

- (i) The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.
  - (ii) Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval that include but are not limited to those listed in below.
- (b) **Site Design Standards.** Where appropriate, the procedures, submittal requirements, and approval criteria for Site Design Review approval listed in subsection (6); Site Design Review must be met.
- (c) **Conditions of Approval.** The County may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized. The County may impose as many of these and other applicable conditions on one conditional use application as it finds necessary. These conditions include, but are not limited to, the following:
- (i) Limiting the hours, days, place and/or manner of operation;
  - (ii) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
  - (iii) Requiring larger setback areas, lot area, and/or lot depth or width than those required;
  - (iv) Limiting the building height, size or lot coverage, and/or location on the site;

- (v) Designating the size, number, location and/or design of vehicle access points or parking areas;
- (vi) Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, is roughly proportional and has a nexus to the impact of the proposed development;
- (vii) Requiring landscaping, screening, stormwater management facilities, and/or improvement of parking and loading areas;
- (viii) Limiting the number, size, location, height and/or lighting of signs;
- (ix) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- (x) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- (xi) Requiring and designating the size, height, location and/or materials for fences;
- (xii) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
- (xiii) Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with adopted plans, so long as findings in the development approval indicate how the dedication and/or construction, if not voluntarily accepted by the applicant, is roughly proportional to the impact of the proposed development. Dedication of land and design and construction must conform to the provisions of this Chapter.

## (8) Permitted Land Uses

- (a) **Permitted Uses.** The land uses listed in Table 8-1 may be permitted in each of the applicable zoning zones as listed in Table 8-1, subject to the provisions of this section. Only land uses that are specifically listed in Table 8-1, and land uses that are approved as “similar” to those in Table 8-1, may be permitted.
- (b) **Determination of Similar Land Use.** Subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, uses and development similar to uses and development in Table 8-1 may be allowed if found by the Director to be “clearly similar” to the uses and development allowed by Table 8-1. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria. The Director must make findings that such use is “clearly similar” based on the following criteria:
  - (i) The use and development are consistent with the purpose of this section.

- (ii) When compared with the uses and development permitted by Table 8-1, the use and development are similar to one or more of these uses and development based on an analysis of the:
  - (aa) Goods or services traded from the site;
  - (bb) Bulk, size, and operating characteristics of the proposed use and development;
  - (cc) Parking demand, customer types and traffic generation; and
  - (dd) Intensity of land use and the number of jobs created on the site. Uses proposed in the GI zone must create a job density of 13 jobs per net developed acre.
- (iii) The use and development do not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information must be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide onsite sewage disposal and water supply if a community sewer or water system is not available.
- (iv) The use and development do not result in public health hazards or adverse environmental impacts that violate state or federal regulations.
- (v) The use and development comply with the other applicable provisions of this Chapter.

Similar use determinations that are not “clearly similar” because they do not meet the standards above, must be made in conformance with the procedures in Lane Code Chapter 16.008; Interpretations. Uses proposed in the GI zone must create a job density of 13 jobs per net developed acre.

- (c) **Existing Uses.** Existing lawfully established uses within an industrial zone located within the Unincorporated Community of Goshen prior to the date of adoption of the ordinance implementing this Chapter constitute permitted uses. Expansion or enlargement of the above pre-existing lawfully established uses or structures are subject to the provisions of Lane Code 16.292 and other sections as applicable.

**Table 8-1: Permitted Land Uses**

| <b>Land Use</b>   | <b>GI</b> | <b>LI</b> |
|---|-----------|-----------|
| <b>Industrial</b>   |           |           |
| Manufacturing and production  | -         | -         |
| Rendering plant/facility  | N         | N         |
| Slaughter house/facility  | N         | N         |
| Uses with a total building size of not more than 40,000 square feet   | P         | P         |
| Rail dependent use over 40,000 square feet  | P         | P         |
| Rail related use over 40,000 square feet on sites without rail access   | P         | P         |
| Non-rail dependent or non-rail related use over 40,000 square feet  | N         | P         |
| Industrial Service  | S*        | P         |
| Towing, vehicle storage, auto and truck salvage and wrecking  | N         | S         |
| Truck stops   | N         | S         |
| Warehouse , Freight Movement, and Distribution  | S*        | S         |
| Waste-Related uses  | N         | N         |
| Wholesale sales   | N         | N         |
| <b>Residential</b>  |           |           |
| One caretaker unit is permitted for each development<br><i>NOTE: Other residential uses are not permitted, however, residences existing prior to the effective date of this Code may continue subject to the standards in Chapter 16.251 Non-Conforming Uses and Developments.</i>    | P         | P         |
| <b>Commercial</b>   |           |           |
| Commercial/retail uses – existing properties with past commercial uses  | N         | P*        |
| Vehicle, equipment and boat repair, rental, storage, service  | N         | N         |
| Medical and dental laboratories and large animal veterinary clinics   | N         | N         |
| Outdoor Commercial Uses (e.g., outdoor storage, Building and garden supply)   | N         | N         |
| Small-scale personal and professional services (e.g., child care, fitness center, coffee shop / deli, dry cleaners, barber shops and salons, copy center, banks, and financial institutions and similar uses) up to 2500 square feet or 1% of gross floor area (whichever is greater) | P*        | P*        |
| Equipment Rental and Repair services  | N         | S         |
| Corporate Office/Headquarters   | P*        | P*        |
| Mini-storage Warehouse  | N         | N         |
| Contractor business   | N         | P         |
| Heavy equipment sales   | N         | S         |
| Ambulance Service/Transportation yards  | N         | N         |
| Commercial parking lot  | N         | N         |
| Recreation Facility (privately owned)   | N         | N         |
| <b>Public and Institutional</b>   |           |           |
| Government facilities where the public is generally not received. (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)  | N         | S         |
| Utilities (above ground)  | P*        | P*        |
| Special district and Public Safety facilities (e.g., utility district, fire station, and similar facilities)  | S         | S         |
| Vocational schools  | N         | S         |
| Public Park and Recreation Facility   | N         | S         |
| <b>Miscellaneous Uses</b>   |           |           |
| Wireless and Broadcast Communication Facilities (See LC 16.264)   | P         | P         |

**Key to Zones:**

GI = General Industrial Zone

LI = Light Industrial Zone

**Key to Permitted Uses**

P = Permitted; subject to subsection (6).

N = Not Permitted.

S = Special Use Permit required, subject to subsection (7).

\* = Subject to Standards for Certain Uses (subsection (9)(g))



**(9) Development Standards**

- (a) Setbacks.** Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in the following subsection. (e.g., for combustible materials, etc.)

**(i) Front Yard Setbacks.**

- (aa)** General Industrial (GI) Zone: The minimum front yard setback is 20 feet.  
**(bb)** Light Industrial (LI) Zone: The minimum front yard setback is 10 feet.  
**(cc)** Exceptions:

- (A)** Other special setbacks in conformance with Lane Code 15.065-15.095, Building Setback Requirements may apply.

- (ii) Rear Yard Setbacks.** There is no required rear yard setback in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion of the use may be constructed or placed closer than 20 feet from the property line of the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

- (iii) Side Yard Setbacks.** There are no required side-yard setbacks in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion thereof may be constructed closer than 20 feet to the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

**Table 9-1: Development Standards**

| Standard  | Light Industrial (LI)      | General Industrial (GI)         |
|---|----------------------------|---------------------------------|
| Minimum Front Yard                              | 10'                        | 20'                             |
| Minimum Rear Yard*                              | 0'/20'*                    | 0'/20'*                         |
| Minimum Side Yard*                              | 0'/20'*                    | 0'/20'*                         |
| Maximum Lot Coverage                            | 80%                        | 80%                             |
| Base Building Height**                          | 65'                        | 65'                             |
| Property size<br>(lot, parcel, or unit of land) | Minimum N/A<br>Maximum N/A | Minimum 35 acres<br>Maximum N/A |

Note: Setbacks are measured from the minimum right of way widths established in Lane Code Chapter 15.

\*Subject to the provisions of subsection 9(a); Setbacks

\*\*Subject to the provisions of subsection 9(c); Building Height

- (iv) Corner Lots and Through Lots.** For buildings on properties with more than one street frontage or through lots, the minimum front yard setback standards in Table 9-1 applies to all street frontages.

- (b) **Lot Coverage.** The lot coverage standards are intended to provide flexibility in development while ensuring some provision of open space for landscaping and stormwater management.

The maximum allowed lot coverage in the General Industrial (GI) and Light Industrial (LI) zones is 60 percent (60%). The maximum allowed lot coverage is computed by calculating the total area covered by buildings including accessory structures, and comparing this figure with the total area of the development site. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

- (c) **Building Height.** The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

(i) **Height Requirements**

**Base Height.** The base height for buildings and structures in the General Industrial (GI) and Light Industrial (LI) zones is sixty five feet (65') in height and must comply with the building setback standards in subsection 9(a); Setbacks above.

The height limits are subject to the provisions of Lane Code (LC) 16.250(5)(a) and (b).

(ii) **Exceptions**

The allowable height may be increased over the base height when:

- (aa) For a use located on a property or in a building that is within 100 feet of a residential or resource zone, the height may be increased over the base height through one of the following means:

- (A) The minimum required setbacks are increased ½ foot for every foot over the base height;
- (B) Stepping-back of building height ½ foot for every foot over the base height;

and when a Special Use Permit is approved subject to the Special Use Permit criteria and when one or more of the mitigation methods specified below under (iii) are applied.

- (bb) For a use located on a property that is not within 100 feet of a residential or resource zone, the height may be increased over the base height through one on the following means:

- (A) The minimum required setbacks are increased ½ foot for every foot over the base height;
- (B) Stepping-back of building height ½ foot for every foot over the base height;

and when one or more of the following mitigation methods are applied.

**(iii) Mitigation Methods.**

- (aa)** visual buffering or screening is provided to mitigate the additional height from surrounding properties; and/or
- (bb)** other appropriate measures to provide a height transition between industrial development and abutting residential or resource zoned property.

Non-conforming uses that are lawfully in existence at the time this ordinance is adopted may continue to operate in conformance with Lane Code 16.251 Non-Conforming Uses.

- (d) Property Size.** One of the necessary components to provide an adequate supply of large economic development land is to ensure that there are large property sizes available for employment uses. The minimum property size limit for properties (lots, parcels, or units of land) within the GI zone are regulated to ensure efficient utilization of the existing industrial zoned land within the community of Goshen.

**Table 9-2: Property Size**

| Standard  | Light Industrial (LI)      | General Industrial (GI)         |
|---|----------------------------|---------------------------------|
| Property size<br>(lot, parcel, or unit of land) | Minimum N/A<br>Maximum N/A | Minimum 35 acres<br>Maximum N/A |

- (e) Land Division Standards.** Land divisions of GI zoned properties that have rail access must preserve rail access for all newly created lots or parcels.

**(f) Design Standards.**

- (i) Orientation.** In order to minimize adverse impacts of parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy of abutting non-industrial zoned properties the following standards apply to all development in the Industrial zones when abutting to a non-industrial zone.

- (aa) Openings.** No openings other than code required egress intended for emergency use, are allowed on any side of a building facing the non-industrial use unless approved through a Special Use permit;
- (bb) Front Entrance.** The front/main entrance of the primary building on a property must be oriented to the street frontage and away from any abutting non-industrial zone unless approved through a Special Use Permit;
- (cc) Equipment Standard.** Mechanical equipment, outdoor storage and outdoor manufacturing, and service and delivery areas of an Industrial Use that are outside of an enclosed building, must be located a minimum of 20 feet away from abutting residential or resource zones, schools, and parks, unless approved through a Special Use Permit;

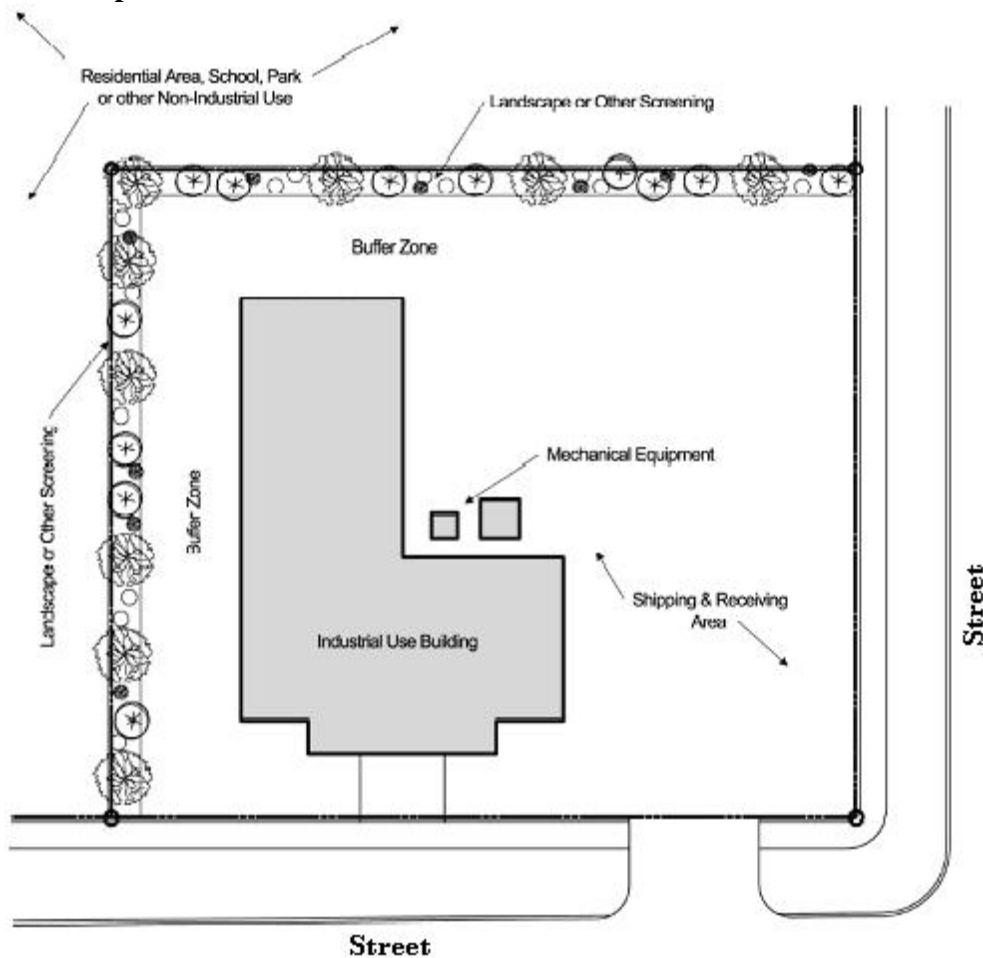
Mechanical equipment, outdoor storage, outdoor manufacturing, and service and delivery areas of an Industrial Use that are outside of an enclosed building must

be screened from view from all abutting public streets and abutting residential or resource zoned properties, schools, and parks, unless approved through a Special Use Permit. When screening is required, such screening must be a minimum of 6 feet in height and provided by:

- (A) a decorative sight obscuring wall (i.e., wood, masonry or similar quality material),
- (B) evergreen hedge,
- (C) opaque/sight obscuring fence complying with subsection (11), or
- (D) a similar feature that provides an opaque/sight obscuring barrier.

Walls, fences, and hedges must comply with subsection (11), Landscaping, Fences, Walls and Screening; the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40); and provide for pedestrian circulation, in accordance with subsection (10), Access and Circulation.

**Figure 9-1 - Development Orientation**



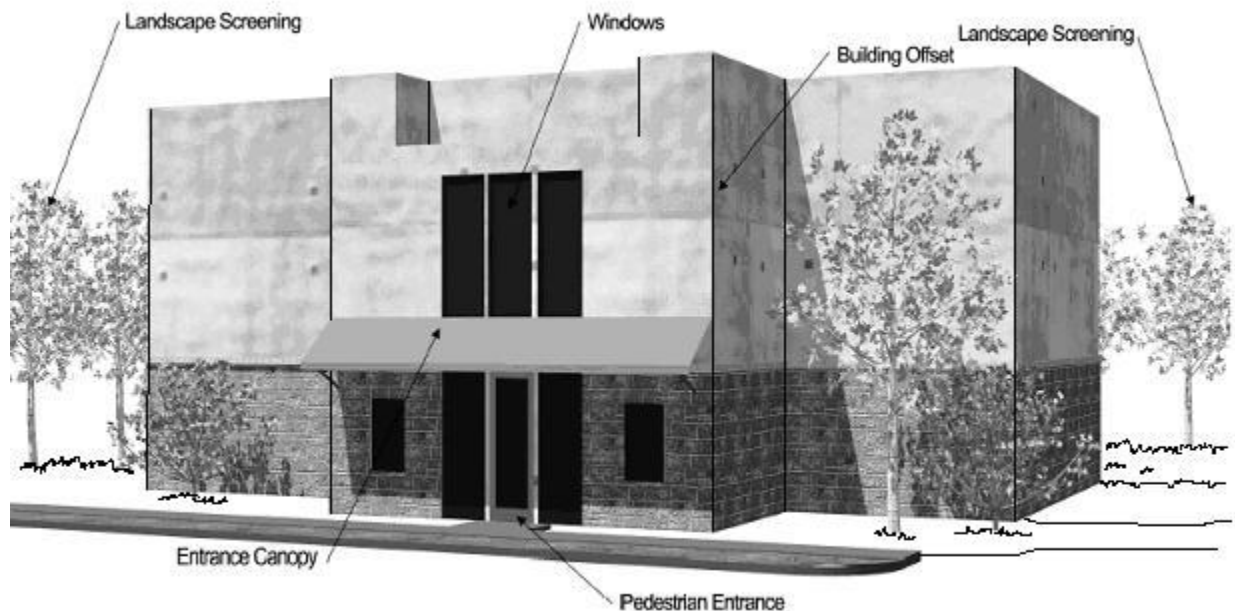
(ii) **Architectural Standards.** All developments in the Industrial Zones must be evaluated during Site Design Review for conformance with the criteria below:

- (aa) **Building Mass.** Where building elevations are oriented to the street, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features,

must be used to break up and articulate large building surfaces and volumes greater than 75 linear feet in length. A minimum of 15% of the horizontal building façade must contain a variety of architectural features. The horizontal building elevation facing Highway 99 or Hampton Road in all development within the Industrial Zone with lots fronting on Highway 99 or Hampton Road must provide a minimum of 30% of the architectural features as described above.

Buildings over 10,000 square feet in size must incorporate changes in building direction (i.e., articulation) and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; windows, and screening trees. The maximum width or length of a building may not exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Special Use Permit.

**Figure 9-2 - Architectural Features (Typical)**



*Note: Figure above is intended to illustrate typical building design elements, and should not be interpreted as a required architectural style.*

- (g) **Standards for Certain Uses.** The Industrial Zones accommodate a range of manufacturing, industrial office uses, and secondary small-scale personal service Commercial Uses.
- (i) **Small Scale personal and professional services.** Small scale personal and professional service uses as specified in Table 8-1 must comply with the following development standards:
  - (aa) Small-scale personal and professional service uses may only be allowed when it is demonstrated that they will be secondary to the primary use of the building or development. No more than 2,500 square feet or 1% of

the total square feet, whichever is greater, of a permitted use or use allowed with a Special Use Permit may be occupied by a secondary small-scale personal and professional service use.

- (ii) **Accessory Uses and Structures.** Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, green houses and similar structures not intended for habitation by people. Accessory uses and structures are allowed for all permitted land uses within the Industrial Zones. All accessory structures must have a building permit if required and comply with all of the following development standards:
  - (aa) Primary use required. An accessory structure or use is not allowed on a lot before an allowed primary use is established.
  - (bb) Restrictions. Accessory uses and structures may not be placed over an easement where such placement would be inconsistent with use of the easement, and may not encroach into the public right-of-way.
  - (cc) Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
  - (dd) Setback Standards. Accessory structures must comply with the setback standards of the underlying zone.
- (iii) **Industrial Service uses in GI zone.** Industrial service uses are only allowed in the GI zone when secondary and subordinate to an approved primary use, and when the use is demonstrated to satisfy the following:
  - (aa) Create a job density of 13 jobs per net developed acre at build out of the proposed use.
- (iv) **Commercial/retail uses – existing properties with past commercial uses.** Commercial/retail uses are permitted on a property(ies) with a history of commercial/retail use where the primary use is located on property that prior to the date of the adoption of this section was under ¼ acre in size. The use is subject to other applicable sections of this chapter. Any modification, addition, or alteration of the previous use or structures related to the use is subject to the applicable provisions of this Section 16.280. Commercial/retail use is limited to 3000 square feet in size.
- (v) **Utilities.** Utility uses include the erection, construction, alteration, or maintenance of underground, overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including utility poles, wires, drains, sewers, pipes, conduits, cables and other similar equipment and accessories located outside of the public right of way.

Utility uses are only those conducted or operated by a public utility of municipal or other governmental agencies or licensed franchise.

Utility poles may exceed the height limits otherwise provided for in the applicable zone. In considering an application for a public or licensed franchise utility use, the Approval Authority must determine that all utility poles, overhead wires, pumping stations, equipment shelters and similar gear are located, designed and installed as to minimize their visual impacts. The Approval Authority may require screening as a condition of approval.

- (vi) **Corporate Office/Headquarters.** Corporate Office/Headquarters use is only allowed when directly associated with and subordinate to a primary permitted use or use allowed with a Special Use Permit on the same site. The portion of the corporate office/headquarter use must not exceed 25% of the square footage of the total building size for the entire primary use.
- (vii) **Warehouse, Freight Movement, and Distribution.** Warehouse, Freight Movement, and Distribution use is allowed in the GI zone when it is secondary and subordinate to an approve primary use OR allowed as a primary use when it is demonstrated to satisfy the following:
  - (aa) Create a job density of 13 jobs per net developed acre at build out of the proposed use.
  - (bb) Create jobs that pay no less than an average of 150% of the median wage.
  - (cc) Demonstrate that they are Rail Dependent, as defined in LC 16.280 above.

# **(10) Access and Circulation**

- (a) **Purpose.** The purpose of this subsection, Access and Circulation is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. The requirements of this subsection apply in addition to the provisions of Lane Code Chapter 15.
- (b) **Vehicular Access and Circulation**
  - (i) **Access.** The access and facility permit provisions of Lane Code 15 must be met.
  - (ii) **Construction**
    - (aa) **Surface Options.** On site driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials may be subject to review and approval by the County Engineer.
    - (bb) **Stormwater Management.** When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds must have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities must be constructed in conformance with subsection (16)(d), Stormwater Management Requirements, and applicable engineering standards.

(c) **Pedestrian Access and Circulation**

(i) **Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments must provide a continuous pedestrian system. The pedestrian system must be designed to meet the standards below:

(aa) **Continuous Walkway System.** An on-site pedestrian walkway system must connect within the development according to (cc)(A-C) below, and connect to any future phases of development, and to any existing or planned off-site abutting trails, public parks, and open space areas unless approved through a Special Use Permit. The developer may also be required to connect or stub walkway(s) to abutting streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of subsection (10)(b), Vehicular Access and Circulation, and subsection (16)(b), Roads.

(bb) **Safe, Direct, and Convenient.** Walkways within developments must provide safe, reasonably direct, and convenient connections between primary building entrances and all abutting streets, based on the following definitions:

(A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.

(B) **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(C) **"Primary entrance"** for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections must be provided to the main employee entrance.

(cc) **Connections within Development.** Connections within developments must be provided as required in subsections (A)-(C), below:

(A) Walkways must connect all building entrances to one another, as generally shown in Figures 10-1 through 10-3;

(B) Walkways must connect all on-site parking areas, storage areas, recreational facilities and common areas, and must connect public off-site abutting uses to the site. Topographic or existing development constraints may be cause for not making certain walkway connections;

(C) Large parking areas must be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets, or driveways with street-like features, Street-like features, for the purpose of this subsection, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.



Figure 10-1 - Pedestrian Walkway System (Typical)

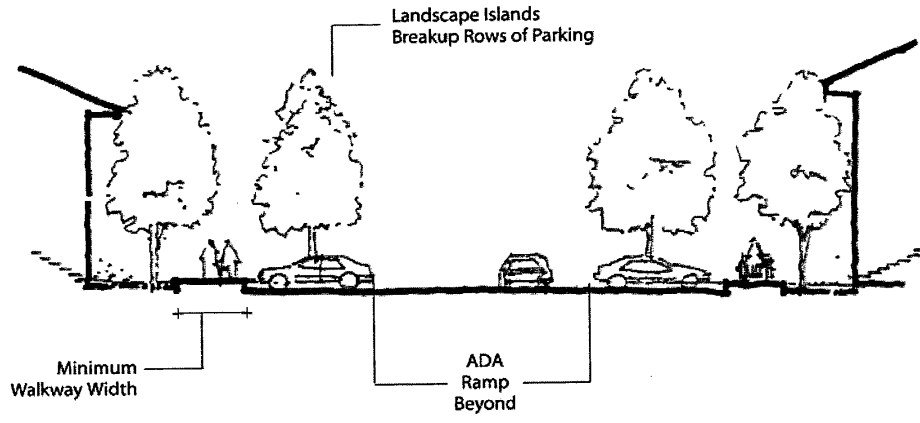
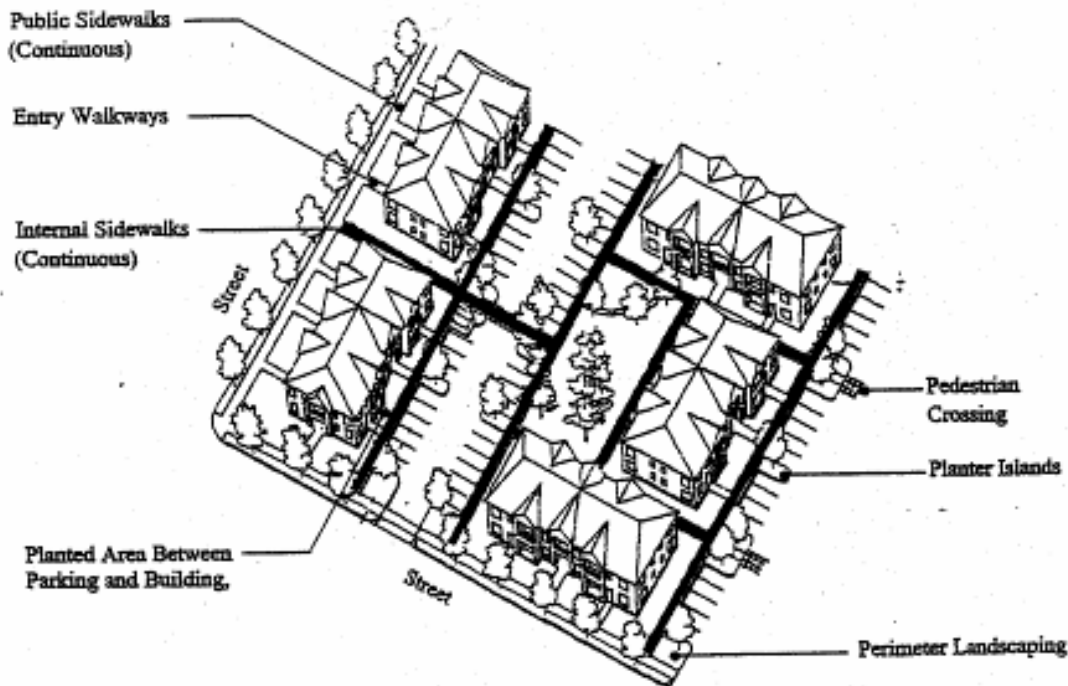


Figure 10-2 - Pedestrian Walkway System (Typical)



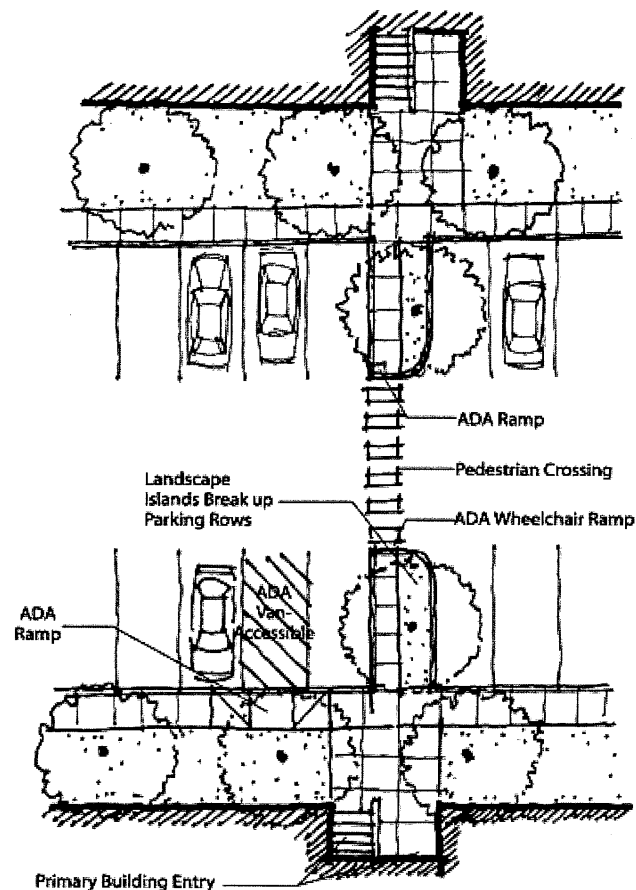
(ii) **Walkway Design and Construction.** Walkways, including those provided with pedestrian access ways, must conform to all of the standards in subsections (aa)-(dd) below, as generally illustrated in Figures 10-1 through 10-3:

(aa) **Vehicle/Walkway Separation.** Except for crosswalks, where a walkway abuts a driveway or street, walkways must be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's

impact, with adequate minimum spacing between them to protect pedestrians.

- (bb) **Crosswalks.** Where walkways cross a parking area, driveway, or street (“crosswalk”), they must be clearly marked with contrasting paving materials (*e.g.*, light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
- (cc) **Walkway Width and Surface.** Walkway and accessway surfaces must be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the County Engineer, at least six (6) feet wide. Multi-use paths (*i.e.*, for bicycles and pedestrians) must be concrete or asphalt, at least 10 feet wide.
- (dd) **Accessible routes.** Walkways must comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street must provide ramps that are ADA accessible, and walkways must provide direct routes to primary building entrances.

Figure 10-3 - Pedestrian Walkway Detail (Typical)



**(11) Landscaping, Fences, Walls and Screening**

- (a) **Purpose.** The purpose of this subsection, Landscaping, Fences, Walls and Screening is to promote community health, safety, and welfare by setting development standards for landscaping, fences, walls and screening. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

**(b) Landscaping**

- (i) **Applicability.** This subsection applies to all new developments requiring Site Design Review.
- (ii) **Landscaping Plan Required.** Submittal of a landscape plan is required. All landscape plans must conform to the requirements in subsection (6)(e)(i)(ee) (Landscape Plans).
- (iii) **Landscape Area Standards.** The minimum percentage of required landscaping equals:
- (aa) **General Industrial (GI) Zone.** 20 percent of the site.
- (bb) **Light Industrial (LI) Zone.** 10 percent of the site.
- (iv) **Landscape Materials.** Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.
- (aa) **Existing Vegetation.** Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or abutting to parking areas) the applicant is permitted to reduce the number of new trees required by a ratio of one (1) inch caliper of new tree(s) for every one (1) inch caliper of existing tree(s) protected.
- (bb) **Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers must be used for all planted areas, the selection of which must be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils must be amended, as necessary, to allow for healthy plant growth.
- (cc) **Non-native, invasive plants.** Non-native, invasive plants must be removed during site development and the planting of new invasive species is prohibited.

- (dd) **Hardscape features.** Includes patios, decks, plazas and similar features. These features may cover up to ten 10 percent of the required landscape area.
- (ee) **Ground Cover Standard.** All landscaped areas, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material, must have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy within three (3) years of planting.
- (ff) **Tree Size.** Trees must have a minimum diameter or caliper 4 feet above grade of two [2] inches or greater at time of planting.
- (gg) **Shrub Size.** Shrubs must be planted from a minimum of 3 gallon containers or larger.
- (hh) **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, but must cover no more than 25 percent of the area to be landscaped and must be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
- (ii) **Stormwater Management Facilities.** Stormwater management facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under subsection (16)(d), must be landscaped in accordance with the design requirements of that subsection.
- (v) **Landscape Design Standards.** All yards, parking lots, and required street tree planter strips must be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:
  - (aa) **Yard Setback Landscaping.** Landscaping in yards must:
    - (A) Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
    - (B) Use shrubs and trees as wind breaks where appropriate;
    - (C) Define pedestrian pathways and open space areas with landscape materials where appropriate;
    - (D) Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants where appropriate;
    - (E) Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;

- (F) Use a combination of plants for year-long color and interest;
- (G) Screen outdoor storage and mechanical equipment areas in accordance with subsection (11)(d) below, and to enhance graded areas such as berms, swales, and detention/retention ponds or swales.

- (bb) **Parking areas.** A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, must be landscaped. Such landscaping must consist of “evenly distributed” shade trees where practical, with shrubs and/or ground cover plants that conform to the criteria in subsection (11)(b)(iv)(aa-ii) above.

“Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy where practical. Required trees may be clustered to provide visual interest. At a minimum, one tree per 6 parking spaces on average must be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 50 spaces must include landscape islands with trees to break up the parking area so that no parking space is more than 70 feet away from a landscape island. All parking area landscape beds must have dimensions of not less than 24 square feet of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.

- (cc) **Parking/Maneuvering Area Abutting to Building.** Where a parking or maneuvering area, or driveway, is abutting to a building, the area must be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width along the length of the abutting area. Raised curbs, bollards, wheel stops, or other design features must be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

(vi) **Buffering**

- (aa) A 20-foot minimum buffer zone is required between Industrial development in either the GI or LI zone and any abutting residential or resource zoned property. The buffer zone must be landscaped according to the landscaping provisions of this subsection to screen industrial activities such as parking, service and delivery areas, from residential or resource zones. The buffer must not contain any trash receptacles or storage of equipment, materials, vehicles, or mechanical equipment, etc.

For uses that require a Special Use Permit, the approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in this subsection when it finds through Special Use Permit review, subsection (7), that additional or different buffering is necessary to mitigate adverse impacts from parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy.

- (bb) **Pedestrian Access.** The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways must conform to subsection (10), Parking and Loading.
  - (vii) **Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged. Irrigation must be provided. If the plantings fail to survive, the property owner must replace them within 6 months with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All human-made features required by this Chapter must be maintained in good condition, or otherwise replaced by the owner.
- (c) **Fences and Walls.** Construction of fences and walls must conform to all of the following requirements:
  - (i) **General Requirements.** All fences and walls must comply with the development standards and height limitations of the respective zone, subsection (9) Development Standards, and the standards of this subsection. The County may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a Special Use Permit, or Site Design Review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review approval; if greater than 6 feet in height, a building permit is also required.
  - (ii) **Dimensions**
    - (aa) Except as provided under subsection (11)(d), Screening, below, the height of fences and walls within a front yard setback is limited to 4 feet as measured from the grade closest to the street right-of-way.
    - (bb) A retaining wall exceeding 4 feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or Site Design Review.
    - (cc) One arbor, gate, or similar garden structure not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle, unless approved through a Special Use Permit.
    - (dd) Fences and walls must comply with the vision clear zone of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40).
  - (iii) **Maintenance.** For safety and for compliance with the purpose of this subsection, walls and fences required as a condition of development approval must be maintained in good condition, or otherwise replaced by the property owner.
  - (iv) **Materials**
    - (aa) Permitted fence and wall materials: wood; metal; bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

(bb) Prohibited fence and wall materials: concrete blocks; straw bales; barbed or razor wire; scrap lumber, metal, or other scrap materials; hedges higher than 8 feet.

(cc) Fences or walls that are taller than 6 feet may require a building permit.

(v) **Fencing**

(aa) **Perimeter Fencing.** Lot perimeter fencing is only permitted within the Industrial zones under the conditions set forth in Table 11-1, Fencing Conditions.

(bb) **Standard Fencing.** Standard non-decorative fencing may be installed in areas not visible from street rights of way or adjoining properties within the Industrial zones. Standard fencing also may be used as specified in Table 9-1. A minimum quality of standard fencing is black vinyl-coated chain link.

(cc) **Upgraded Fencing.** Upgraded fencing must be provided as specified in Table 11-1. Upgraded fencing is intended to provide limited security, discourage trespass, and provide an informative demarcation between uses (e.g., public / private, institutional / private / public, etc.). Design considerations for upgraded fencing must include:

(A) Simplicity as opposed to excessive ornamentation.

(B) Low maintenance / ease of landscape maintenance on each side.

(C) Respect for the design theme of established development on abutting parcels.

(D) A clear relationship to the building's architecture.

(E) Consideration of a standard design where a large property shares a common boundary with several smaller properties.

(dd) **Architectural Screen Walls.** Architectural screen walls must be used to screen service and loading areas; above-ground utilities such as transformers and generators, exterior material and equipment storage areas, work yards, and trash and/or recycling areas. Architectural screen walls may be used to screen other on-site amenities such as private patios and employee break areas. Architectural screen walls must be integrated into the overall building architectural statement, employing materials and colors drawn from the building design palette. The required size of an area enclosed by an architectural screen wall is the minimum necessary to accommodate the facility or operation that is to be screened.

(vi) **Fencing on Steep Slopes.** Properties with more extreme variations in topography (e.g., substantial slopes abutting to relatively flat areas) must employ fencing and/or screening design approaches that are thoughtfully integrated with the site's unique characteristics while fulfilling the overall functional intent of these features. Stair-step fence profiles are not allowed.

**Table 11-1 Fencing Conditions**

| Condition   | Sub-condition                                       | Required Treatment (Minimum Standard) |
|---|---|---------------------------------------|
| Property line adjacent to a public right of way.                            | Improved right of way.                              | Upgraded fencing.                     |
|   | Unimproved right of way.                            | No requirement prior to development.  |
| Property line adjacent to the railroad right of way.                        |   | Standard Fencing.                     |
| Property line on the west or south perimeter of the Goshen Industrial area. | Adjacent to residential or resource zoned property. | Standard Fencing.                     |
|   | Adjacent to Commercial zoned property.              | Upgraded Fencing.                     |
|   | Adjacent to permanent open space.                   | Upgraded Fencing.                     |
|   | Adjacent to Public Facility zoned property.         | Standard Fencing                      |
| Property line adjacent to a park or open space.                             |   | Upgraded Fencing.                     |
| Property line on the east perimeter of the Goshen Industrial area.          | Adjacent to residential or resource zoned property. | Upgraded Fencing.                     |
|   | Adjacent to commercial zoned property.              | Upgraded Fencing.                     |
| Fencing/Screening around a Loading or Exterior storage area.                | Visible from the right of way.                      | Architectural Screen Wall.            |
|   | Not visible from the right of way.                  | Standard Fencing.                     |
| Screening around a trash and/or recycling enclosure or exterior storage.    |   | Architectural Screen Wall.            |
| Fencing around a secure parking lot.  | Visible from the right of way.                      | Upgraded Fencing.                     |
|   | Not visible from the right of way.                  | Standard Fencing.                     |

**(d) Screening**

**Screening Required.** Screening is required under the following conditions:

- (i) **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, must be screened from view from all abutting public streets and abutting residential or resource zones. This required screening is required to be a minimum of 6 feet in height and provided by:
- (aa) a decorative wall (i.e., masonry or similar quality material);
  - (bb) evergreen hedge;
  - (cc) opaque fence complying with subsection (11)(c); or
  - (dd) a similar feature that provides an opaque barrier.

Walls, fences, and hedges must comply with the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40) and provide for pedestrian circulation, in accordance with subsection (10), Access and Circulation.



- (ii) **Parking/Maneuvering Area Abutting Streets and Drives.** Where a parking or maneuvering area is abutting and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; or arcade, trellis, or similar partially opaque structure 3-4 feet in height is required between the parking or maneuvering area and the street or driveway. The required screening must have breaks, where necessary, to allow pedestrians access to the site. The design of the wall or screening must also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard must be a minimum of 36 inches in height within three (3) years of planting, and must be of such species, number, and spacing to provide the required screening within three (3) years after planting. Any areas between the wall/hedge and the street/driveway line must be landscaped with plants or other vegetative ground cover.
- (iii) **Flag Lot Screen.** In approving a flag lot, the County may require a landscape screen, fence or both be installed along property line(s) of the flag lot, for privacy of adjoining property, in accordance with the provisions of this subsection. A flag lot screen is not required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at the owner's discretion.

## (12) **Parking and Loading**

- (a) **Purpose.** The purpose of this subsection, Parking and Loading, is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some employment areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This subsection recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This subsection also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.
- (b) **Applicability.** All developments subject to Site Design Review, subsection (6) including development of parking facilities, must comply with the provisions of this subsection.
- (c) **Automobile Parking Standards**
  - (i) **Vehicle Parking - Minimum Standards by Use.** The number of required off-street vehicle parking spaces must be determined in accordance with the standards in Table 12-1, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Special Use Permit approval. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.

**Table 12-1 – Minimum Required Parking by Use**

| <b>Use Categories</b><br>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.) | <b>Minimum Parking per Land Use</b><br>(fractions rounded down to the closest whole number) |
|---|---|
| <b>Commercial Categories</b>  |   |
| Offices   | 2 spaces per 1,000 sq. ft. floor area   |
| Self-Service Storage  | No standard   |
| <b>Industrial Categories</b>  |   |
| Industrial Service  | 1 space per 1,000 sq. ft. of floor area   |
| Manufacturing and Production  | 1 space per 1,000 sq. ft. of floor area   |
| Warehouse and Freight Movement  | 0.5 space per 1,000 sq. ft. of floor area   |
| Wholesale Sales<br>- fully enclosed<br>- not enclosed   | 1 space per 1,000 sq. ft.<br>per SUP review (subsection (7))                                |

**(ii) Vehicle Parking - Minimum Accessible Parking**

- (aa)** Accessible parking must be provided for all uses in accordance the standards in Table 12-2; parking spaces used to meet the standards in Table 12-2 are counted toward meeting off-street parking requirements in Table 12-1;
- (bb)** Such parking must be located in close proximity to building entrances and must be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
- (cc)** Accessible spaces must be grouped in pairs where possible;
- (dd)** Where covered parking is provided, covered accessible spaces must be provided in the same ratio as covered non-accessible spaces;
- (ee)** Required accessible parking spaces must be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs must be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces must be specifically identified as such.

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**Table 12-2 - Minimum Number of Accessible Parking Spaces**

(Source: ADA Standards for Accessible Design)

| Total Number of Parking Spaces Provided (per lot)   | Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*) | Van Accessible Parking Spaces with min. 96" wide access aisle | Accessible Parking Spaces with min. 60" wide access aisle |
|---|---|---|---|
|   | <i>Column A</i>   |   |   |
| 1 to 25   | 1   | 1   | 0   |
| 26 to 50  | 2   | 1   | 1   |
| 51 to 75  | 3   | 1   | 2   |
| 76 to 100   | 4   | 1   | 3   |
| 101 to 150  | 5   | 1   | 4   |
| 151 to 200  | 6   | 1   | 5   |
| 201 to 300  | 7   | 1   | 6   |
| 301 to 400  | 8   | 1   | 7   |
| 401 to 500  | 9   | 2   | 7   |
| 501 to 1000   | 2% of total parking provided in each lot  | 1/8 of Column A**   | 7/8 of Column A***  |
| 1001  | 20 plus 1 for each 100 over 1000  | 1/8 of Column A**   | 7/8 of Column A***  |
| *vans and cars may share access aisles<br>**one out of every 8 accessible spaces                      ***7 out of every 8 accessible parking spaces |   |   |   |

(iv) **On-Street Parking.** On-street parking must conform to the following standards:

(aa) **Dimensions.** The following constitutes one on-street parking space:

- (A) Parallel parking, each 22 feet of uninterrupted curb;
- (B) 45 degree diagonal, each with 12 feet of curb;
- (C) 90 degree (perpendicular) parking, each with 12 feet of curb.

(bb) **Location.** Parking may be counted toward the minimum standards in Table 12-1 when it is on the block face abutting the subject land use. On-street parking spaces must be located such that when occupied they do not obstruct a required clear vision area and do not violate any law or street standard.

(cc) **Public Use Required for Credit.** On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but must be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

(v) **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does

not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The County may approve owner requests for shared parking through Land Use Review.

- (vi) **Off-site parking.** Except for single-family dwellings, the required vehicle parking spaces may be located on another parcel of land, provided the parcel is within ¼ mile of the use it serves and the County has approved the off-site parking through a Special Use Permit. The distance from the parking area to the use is measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

(vii) **General Parking Standards**

- (aa) **Location.** Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Subsection (10), Access and Circulation, provides design standards for driveways. Street parking spaces must not include space in a vehicle travel lane (including emergency or fire access lanes), pedestrian accessway, landscape, or other undesignated area.
- (bb) **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking is the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g., the uses operate on different days or at different times of the day). The County may reduce the total parking required accordingly through Site Design Review.
- (cc) **Availability of facilities.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs must conform to the standards of subsection (15), Signs.
- (dd) **Lighting.** Parking areas must have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Lighting must meet the requirements of subsection (14), Outdoor Lighting Standards.
- (ee) **Screening of Parking Areas.** Parking spaces must be located or screened so that headlights do not shine onto abutting residential or resource uses. Screening for this purpose must meet the requirements of subsection (11)(d), Screening.
- (ff) **Parking and Loading Setback.** Where an Industrial zone abuts a residential or resource zone, any off-street parking and loading areas must be set back at least 20 feet from the abutting residential or resource property line and the setback area must be landscaped to provide a buffer along the adjoining residential or resource property. Landscaping must

be maintained by the property owner and must meet the standards of subsections (11)(b), Landscaping.

(gg) **Parking and Circulation.** No vehicle circulation or parking except for access driveways must be permitted within any required minimum front yard setback area.

(viii) **Parking Stall Design and Minimum Dimensions.** All off-street parking spaces must be improved to conform to County standards for surfacing, stormwater management, and striping or as otherwise allowed in Chapter 16.280. Standard parking spaces must conform to the following standards:

- (aa) Motor vehicle parking spaces must measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;
- (bb) All parallel motor vehicle parking spaces must measure eight (8) feet six (6) inches by twenty-two (22) feet;
- (cc) Parking area layout must conform to the dimensions in Figure 12-1 and 12-2, and Table 12-3 below;
- (dd) Parking areas must conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and
- (ee) Bicycle parking must be on a two (2) feet by six (6) feet minimum concrete pad per bike, or within a garage or patio of residential use. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device.

**Figure 12-1 - Parking Area Layout**

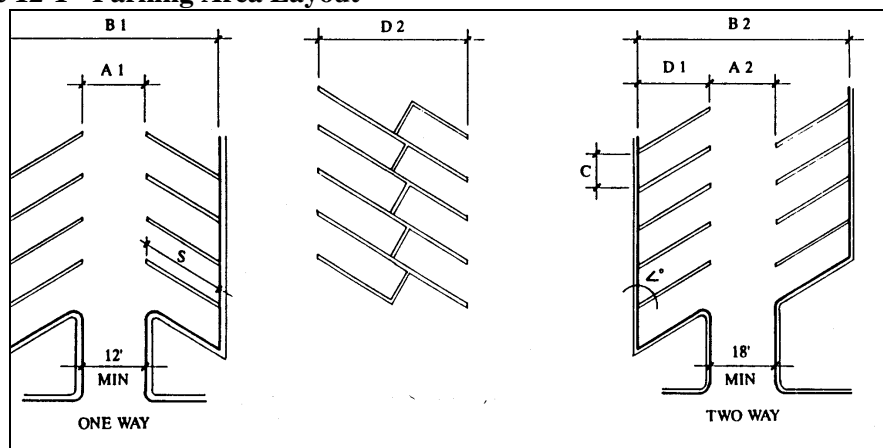


Figure 12-2 ADA Parking Requirements

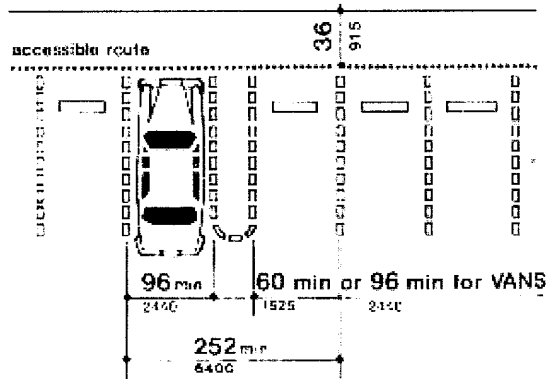


Table 12-3 - Parking Area Layout

| Standard Space<br><br>(See Figure 10-2 for ADA space requirements) | PARKING ANGLE | CURB LENGTH | STALL DEPTH |           | AISLE WIDTH |            | BAY WIDTH  |            | STRIPE LENGTH |
|--|---------------|-------------|-------------|-----------|-------------|------------|------------|------------|---------------|
|  |               |             | SINGLE D1   | DOUBLE D2 | ONE WAY A1  | TWO WAY A2 | ONE WAY B1 | TWO WAY B2 |               |
|  | 90°           | 8'-6"       | 18'         | 36'       | 23'         | 23'        | 59'        | 59'        | 18'           |
|  | 60°           | 10'         | 20'         | 40'       | 17'         | 18'        | 57'        | 58'        | 23'           |
|  | 45°           | 12'         | 18'-6"      | 37'       | 13'         | 18'        | 50'        | 55'        | 26'-6"        |
|  | 30°           | 17'         | 16'-6"      | 33'       | 12'         | 18'        | 45'        | 51'        | 32'-8"        |
|  | 0°            | 22'         | 8'-6"       | 17'       | 12'         | 18'        | 29'        | 35'        | 8'-6"         |

**Important cross-references:**

See also subsection (10), Access and Circulation, for driveway standards; subsection (11), Landscaping, Fences, Walls and Screening; and subsection (16)(d), Stormwater Management.

- (d) **Bicycle Parking Requirements.** All uses that are subject to Site Design Review must provide bicycle parking, in conformance with the standards in Table 12-4, and subsections (i-viii), below.
- (i) **Minimum Required Bicycle Parking Spaces.** Uses must provide long- and short-term bicycle parking spaces, as designated in Table 12-4. Where two options are provided (e.g., 2 spaces, or 1 per 12,000 square feet of floor area), the option resulting in more bicycle parking is used.

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**Table 12-4 - Minimum Required Bicycle Parking Spaces**

| Use Categories                 | Specific Uses | Long-term Spaces<br>(covered or enclosed) | Short-term Spaces<br>(near building entry) |
|--------------------------------|---------------|---|--|
| <b>Commercial Categories</b>   |               |   |  |
| Retail Sales And Service       |               | 2, or 1 per 12,000 sq. ft. of floor area  | 2, or 1 per 5,000 sq. ft. of floor area    |
| Office                         |               | 2, or 1 per 10,000 sq. ft. of floor area  | 2, or 1 per 40,000 sq. ft. of floor area   |
| <b>Industrial Categories</b>   |               |   |  |
| Manufacturing And Production   |               | 2, or 1 per 15,000 sq. ft. of floor area  | None                                       |
| Warehouse And Freight Movement |               | 2, or 1 per 40,000 sq. ft. of floor area  | None                                       |

- (ii) **Exemptions.** This subsection does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.
  - (iii) **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device;
  - (iv) **Visibility and Security.** Bicycle parking for customers and visitors of a use must be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
  - (v) **Options for Storage.** Long-term bicycle parking requirements for employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
  - (vi) **Lighting.** For security, bicycle parking must be at least as well lit as vehicle parking.
  - (vii) **Reserved Areas.** Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.
  - (viii) **Hazards.** Bicycle parking must not impede or create a hazard to pedestrians. Parking areas must be located so as to not conflict with any vision clear zone.
- (e) **Loading Areas**
- (i) **Purpose.** The purpose of this subsection of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

- (ii) **Applicability.** Subsection (12)(e) applies to non-residential and mixed-use buildings with 20,000 square feet or more total floor area.
- (iii) **Number of Loading Spaces**
  - (aa) Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses must meet the following standards:
    - (i) Less than 20,000 square feet total floor area: No loading spaces required.
    - (ii) 20,000 to 50,000 square feet of total floor area: One loading space.
    - (iii) More than 50,000 square feet of total floor area: Two loading spaces.
  - (iv) **Size of Spaces.** Required loading spaces must be at least 35 feet long and 10 feet wide, and must have a height clearance of at least 13 feet.
  - (v) **Placement, setbacks, and landscaping.** Loading areas must conform to the setback and perimeter landscaping standards in subsection (9) Development Standards, and subsection (11) Landscaping, Fences, Walls and Screening. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

**(13) Noise Standards**

All new development must be designed and constructed so that operation of the uses on the property will comply with the State of Oregon Noise Control Regulations contained in Oregon Administrative Rule (OAR) 340-035-0005 thru 340-035-0100, where applicable. The County requires as an ongoing condition of approval that these standards are met.

**(14) Outdoor Lighting Standards**

- (a) **Purpose.** The purpose of this subsection, Outdoor Lighting Standards is to allow citizens, businesses, and public agencies in the community of Goshen to illuminate commercial, industrial, public areas, roadways and walkways with lighting fixtures appropriate to the need while using such illumination in a way that preserves vistas and is directed onto and is confined to the property from which the light is generated.
- (b) **Outdoor Lighting Fixtures Subject to this Ordinance.** Light fixtures subject to the standards in subsection (14)(c) are outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices must include, but are not limited to, lights for:
  - (i) Buildings and structures;
  - (ii) Recreational areas;
  - (iii) Parking lot and maneuvering areas;
  - (iv) Landscape areas;
  - (v) Streets and street signs;



- (vi) Product display area;
  - (vii) Building overhangs and open canopies;
  - (viii) Holiday celebrations;
  - (ix) Construction Lights;
- (c) **Standards for installation and operation of outdoor lighting.** Except as exempt by subsection (14)(d) new outdoor lighting fixtures installed after the effective date of this subsection, are subject to the standards below. No provision of this subsection is intended to pre-empt the Lane County Sign Code or applicable state codes.
- (i) All outdoor lighting fixtures subject to this subsection must be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto abutting properties.
  - (ii) All lighting for roadways, roadway signs, intersections, and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.
  - (iii) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
  - (iv) The operation of searchlights for advertising or promotional purposes is prohibited.
  - (v) Businesses and institutions with outdoor lighting, such as parking lot lights, building lights, landscaping lights and other similar exterior lighting features, are encouraged to extinguish such lights at the end of the working day, except for lights necessary for personal and building safety.
  - (vi) Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial shopping complexes; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the Lane County Sign Code.
- (d) **Exemptions.** The following light fixtures or uses are exempt from complying with the outdoor lighting standards of this ordinance. These exemptions do not prevent the County from adoption of later ordinances that may address the retrofitting or removal of outdoor lighting fixtures.
- (i) All outdoor light fixtures lawfully installed and operating prior to the effective date of this ordinance, and not prohibited by this ordinance. This exemption does not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged to help improve safety and quality of life in the community of Goshen and the surrounding areas.

- (ii) Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine visible glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.
  - (iii) Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and do not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year round dense evergreen tree canopies which will contain or limit illumination of the sky.
  - (iv) Low wattage lights used for holiday decorations for no more than 60 days are exempt from the requirements of this ordinance.
  - (v) Outdoor mass gatherings, as defined by ORS 433.735, that do not require a land use decision, that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
  - (vi) U.S. flags displayed by top mounted lighting only. The illumination of all flags other than the U.S. flag must be extinguished at the end of public business hours or by 10:00 PM whichever is later.
  - (vii) Temporary lighting for television or movie film productions, roadway or utility construction or building construction not to exceed 60 days in any one vicinity. Permanent installations at dedicated sites must conform to the requirements of this ordinance.
  - (viii) All outdoor light fixtures used to highlight art features within a traffic circle or round-about providing they are properly aimed and shielded to not shine visible glare into the public right of way or onto abutting or nearby properties.
- (e) **Definitions.** The following definitions apply to terms in this subsection.
- (i) End of business hours or End of business. “End of business hours or end of business” means the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.
  - (ii) Full Cut-off. “Full Cut-off” means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. [See figure 14-1 below]
  - (iii) Glare. “Glare” means stray, unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.
  - (iv) High intensity discharge lighting. “High intensity discharge lamp lighting” means high pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps.

- (v) Installed. "Installed" means initial installation of outdoor lighting fixtures, poles, electrical wiring, and related mounting equipment following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.
- (vi) Low Wattage lights. "Low Wattage Lights" means 12-volt direct current lights or individual lamps less than 0.25 watts each strung together within a translucent or transparent plastic cover.
- (vii) Replacement. "Replacement" means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket or wall, tree, or other structure. Replacement does not mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.
- (viii) Safety / security. "Safety" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cut-off light fixtures above doors, at fire service stanchions, loading areas, and similar building access points.
- (ix) Shielding. "Shielding" means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque painted glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination or glare onto abutting or nearby property.
- (x) Unshielded. "Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare onto abutting or nearby property.
- (xi) Up-lighting. "Up lighting" means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained distribution pattern above the horizontal plane to illuminate an abutting or nearby building element, shrub, tree or other landscaping.

**Figure 14-1 Examples of full cut off light fixtures (typical)**



**(15) Signs**

- (a) Signs may not extend over a public right-of-way or project beyond the property line.
- (b) Signs may be illuminated but may not be flashing or capable of movement.
- (c) Signs may not exceed 100 square feet of surface area on any one of two sides.
- (d) Signs may not project above the height of the tallest structure on the property.
- (e) Signs may only advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above.

**(16) Utility Facilities**

**(a) Purpose and Applicability**

- (i) **Purpose.** The purpose of this subsection, Utility Facilities is to provide planning and design standards for public or private utilities and easements for transportation, sewer, water, and storm drainage improvements.
- (ii) **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of utilities, and other private improvements must comply with the standards of this subsection. Public and private facilities related to a particular development must comply with the public facility requirements established in this subsection.
- (iii) **Engineering Design Criteria, Standard Specifications and Details.** The County's specifications, standards, and details contained in Lane Manual 15.450 are hereby incorporated into this code by reference.
- (iv) **Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of Lane Code. On-site improvements required as a condition of development approval, when not voluntarily accepted by the applicant, must be roughly proportional to the impact of the development on public facilities. Where on-site improvements are required, the Approval Authority must include findings in the development approval indicating how the required improvements are directly related and roughly proportional to the impact from the proposed development.

**(b) Roads**

Development subject to the provisions of this section (16.280) of Lane Code must comply with Lane Code Chapter 15, Roads, except as

provided below.

- (i) **Traffic Impact Analysis Requirements.** The County may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with LC 15.697.

**Exception:** Lane Code 15.697 does not apply to any development proposal that if approved will result in an increase of less than 50 peak hour automobile trips.

However, all developments must at a minimum provide a trip generation or debit letter to document how many trips are associated with the proposed use.

- (c) **Sanitary Sewer and Water Service Improvements.** The proposed use and development must not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

The proposed use and development must not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information must be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available. Approval of an on-site sewage disposal system from the property approval authority must constitute adequate factual information to demonstrate compliance with sewer component of this standard.

When a community water or sewer system is proposed to provide service to a use or development, the following standards apply:

- (i) **Sewers and Water Mains Required.** Sanitary sewers and water mains must be installed to serve each new development and to connect developments to existing mains in accordance with the County's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements must also be stubbed with the streets, except as may be waived by the County Engineer.
- (ii) **Sewer and Water Plan Approval.** Development permits for sewer and water improvements will not be issued until the County Engineer has approved all sanitary sewer and water plans in conformance with County standards.
- (iii) **Over-Sizing.** The County may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate

future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the County may grant the developer credit toward any required system development charge for the same.

- (iv) **Inadequate Facilities.** Development permits may be restricted by the County where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

(d) **Stormwater Management Requirements**

- (i) **General Provisions.** The County will issue a development permit only where adequate provisions for stormwater and flood water runoff have been made in conformance with the stormwater management requirements set forth in this subsection 16.280(d).

Connections to drainage facilities within the County right-of-way must be authorized through facility permits issued by the Director in accordance with ORS 374.305 through 374.340.

- (ii) **Definitions.** For the purposes of this Section and the Stormwater Management Manual, the following definitions apply:
  - (aa) **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."
  - (bb) **Biofiltration.** Deliberate filtering of sediments and other pollutants from stormwater runoff by directing flow through a vegetated area.
  - (cc) **Channel Maintenance.** Periodic removal of debris, sediment, vegetation, litter and other material within the bed or banks of a stream or channel recognized as part of the city's stormwater drainage system, and performed by the city or in accordance with county policy.
  - (dd) **Channelize, Channelizing.** Human alteration of the bed or banks of a natural stream or river to maintain or increase its conveyance or capacity characteristics without maintaining its natural character, typically by straightening its course, increasing its depth and removing obstructions in the bed or on the banks.

- (ee) **Constructed Wetlands.** A facility that exhibits wetland characteristics but was constructed for the express purpose to perform a utility need, such as a sedimentation pond, and is not eligible for mitigation credit or subject to the jurisdictional requirements of federal and state wetland law.
- (ff) **Easement of Record.** A valid easement that is recorded and on file at the Lane County Recorder's office.
- (gg) **Enhancement.** To increase or improve natural values in one or more of the following ways:
  - Increasing the wildlife habitat value by increasing the supply and diversity of natural food sources throughout the year, increasing the diversity and duration of water features throughout the year or increasing the diversity in size and structure of plants.
  - Improving water quality by reducing the amount of pollutants entering the water or removing pollutants already in the water.
  - Improving the natural character by encouraging and allowing natural vegetation to grow in natural patterns according to soil and water conditions.
  - Removing litter, refuse and unnatural fill.
  - Improving the capacity of the area to contain, detain or filter stormwater runoff.
- (hh) **Flood, or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - The overflow of inland or tidal waters; or
  - The unusual and rapid accumulation of runoff of surface waters from any source.
- (ii) **Flood control design storm.** A theoretical storm for evaluating the capacity of the storm drainage system and designing improvements for the required level of protection, in accordance with the Stormwater Management Manual.
- (jj) **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (kk) **Flood Insurance Study.** The official report provided by

the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

- (ll) **Floodway.** The channel of a river or other watercourse and the adjacent land areas designated as a floodway by the Federal Emergency Management Agency.
- (mm) **Flow control facility.** Any structure or drainage device that is designed, constructed, and maintained to collect, retain, infiltrate, or detain surface water runoff during and after a storm event for the purpose of controlling post-development water quantity leaving the development site.
- (nn) **Goal 5 Water Resource Site.** The resource site as identified in the Goal 5 Water Resources Conservation Plan. For riparian corridor and upland wildlife habitat sites, the Goal 5 Water Resource Site includes the stream and riparian areas that may extend beyond applicable conservation setbacks. Wetland sites include only the wetland, itself.
- (oo) **Grassy Swales.** Shallow ditches lined with grass or other vegetation for the purpose of filtering sediments and other pollutants from stormwater runoff.
- (pp) **Impervious surface/area.** Any surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from conditions pre-existing to development. Types of impervious surface include, but are not limited to, rooftops, asphalt and concrete parking lots, driveways, roads, sidewalks, and pedestrian plazas. *Note:* Slatted decks are considered pervious. Gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8.
- (qq) **Natural Drainageways.** Natural rivers, streams, channels, creeks, or other areas that naturally convey stormwater runoff or portions thereof that have not been channelized, and which retain a predominantly natural character.
- (rr) **Natural Functions and Values.** Characteristics of a site that contribute to the healthy and effective functioning of natural processes on the site, along with the contribution made by the site to the healthy and effective functioning of the larger natural resource system of which the site is a part; including but not



limited to improvement of water quality, provision of food, water and cover for wildlife, storage capacity for flood waters, protection against erosion, sediment removal, fisheries habitat, and groundwater recharge or discharge.

- (ss) **Natural Resource Area.** The area within the mapped boundaries of any locally inventoried wetland, pond, stream, channel, river, lake or upland wildlife habitat area.
- (tt) **Oil control facility.** Any structure or drainage device that is designed, constructed, and maintained to remove oil and grease from storm runoff.
- (uu) **Open Waterway.** A natural or human-made swale, creek, stream, open channel, ditch or other similar water feature, that has a defined and identifiable channel with slopes, that is predominantly of earthen material, and that has the specific function of conveying and/or storing stormwater runoff.
- (vv) **Property suspected or known to contain contaminants in the soil or groundwater.** Any real property where the presence of any hazardous substance or petroleum product indicates an existing release, past release, or threatened release of a hazardous substance or petroleum product into the ground, ground water, or surface water of the property.
- (ww) **Protected Wetland, Protected Natural Resource.** A wetland or other natural resource identified for protection in an adopted plan.
- (xx) **Stormwater Management Manual.** For purposes of this Section, the Stormwater Management Manual means the City of Eugene Stormwater Management Manual (April 2008 version), which has been adopted and incorporated by reference, and made applicable to the area subject to this Section 16.280.
- (yy) **Stormwater Management Facility.** Any structure or configuration of the ground that is used or, by its location, becomes a place where stormwater flows or is accumulated, including but not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, ponds, open drainage ways, runoff control facilities, wetlands, and their accessories.
- (zz) **Water Features.** Permanent or intermittent bodies of

water, including streams, ponds, rivers, lakes, drainage channels, open waterways and jurisdictional wetlands.

- (aaa) **Water Quality Design Storm.** A theoretical storm for estimating the amount of stormwater runoff to be treated. Facilities designed to store and treat a volume of stormwater must be sized in accordance with the Stormwater Management Manual.
- (bbb) **Wetland.** Any parcel or portion of a parcel which meets the state or federal definition of wetlands that are under the jurisdiction of state or federal laws.
- (ccc) **Wetland Boundary.** Any mapped wetland boundary produced by methods consistent with state and federal law and policy and for which a concurrence has been made in writing by the applicable state or federal agencies.
- (iii) **Stormwater Management Manual.** In order to implement applicable stormwater management requirements, Lane County has adopted and incorporated by this reference the April 2008 version of the City of Eugene Stormwater Management Manual as part of this Section 16.280 by Ordinance No. 13-2.

The Lane County Land Management Division will maintain and make available to the public copies of the Stormwater Management Manual.

- (iv) **Flood Control.**
  - (aa) **Purpose.** The purpose of Flood Control standards is to protect life and property from flood and drainage hazards by maintaining the capacity of the County's stormwater conveyance system through the establishment of destination regulations for stormwater runoff from development.
  - (bb) **Applicability and Exemptions.** Destination standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.
  - (cc) **Standards.** Surface discharges from onsite facilities must be discharged to an approved drainage facility. On-site infiltration is the preferred stormwater destination for all developments. Stormwater drainage

facilities must be designed and constructed according to adopted plans and policies, and in accordance with the stormwater destination provisions and the facility design requirements set forth in the Stormwater Management Manual. Stormwater management must avoid a net negative impact on nearby streams, wetlands, groundwater and other water bodies. All local, state, and federal permit requirements related to implementation of stormwater management must be met by the owner/operator prior to facility use.

- (dd) **Underground Injection Control Systems.** Stormwater runoff disposed of in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule Chapter 340, Section 044. To utilize Underground Injection Controls for stormwater management the owner/operator must obtain authorization from the Oregon Department of Environmental Quality prior to facility use.

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(v) **Stormwater Pollution Reduction.**

- (aa) **Purpose.** The purpose of Stormwater Pollution Reduction standards is to reduce the impacts of development on water quality by providing standards for the capture and treatment of stormwater runoff from development.
- (bb) **Applicability and Exemptions.** Water Quality standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.
- (cc) **Standards.** The quality of the stormwater leaving the site after development must be equal to or better than the quality of the stormwater leaving the site before development, as much as is practicable based upon the following:
  - (A) Applications must include pollution reduction facilities selected from the Stormwater Management Manual as follows:
    - (i) For land use applications for undeveloped land, the selected pollution reduction facilities must treat all the stormwater runoff from the development site that will result from the water quality design storm;
    - (ii) For land use applications that change or add development to an already developed site, the selected pollution reduction facilities must treat the stormwater runoff from all added and replaced impervious surface that will result from the water quality design storm;
    - (iii) For development permit applications, the selected pollution reduction facilities must treat all stormwater runoff from all new or replaced impervious surface, or an equivalent on-site area, that will result from the water quality design storm;

- (B) All pollution reduction facilities must be sited, designed and constructed according to the pollution reduction provisions and the facility design requirements set forth in the Stormwater Management Manual.

(vi) **Stormwater Flow Control.**

- (aa) **Purpose.** The purpose of Stormwater Flow Control standards is to protect waterways from the erosive effects of increases in stormwater runoff peak flow rates and volumes resulting from development.
- (bb) **Applicability and Exemptions.** Flow Control standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.
- (cc) **Standards.** The quantity and flow rate of stormwater leaving the site after development must be equal to or less than the quantity and flow of stormwater leaving the site before development, as much as practicable, based on the following criteria:
  - (A) Applications must demonstrate, using methodology in the Stormwater Management Manual, that peak rates of flow delivered to an existing open waterway will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the development that is the subject of the application;
  - (B) All facilities to control the rate of stormwater runoff must be sited, designed and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual. Flow control facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual.

(vii) **Stormwater Oil Control.**

- (aa) **Purpose.** The purpose of Stormwater Oil Control standards is to protect the County's stormwater system

from oil and grease from stormwater runoff of impervious surface areas on properties that produce high concentrations of these pollutants.

**(bb) Applicability.** Oil control standards apply to:

- (A)** All new commercial and industrial development with parking lots that store wrecked or impounded vehicles; or
- (B)** Any development that would result in an expected daily traffic count greater than one hundred vehicles per 1,000 square feet of gross building area, based on the most recent version of The Institute of Transportation Engineers' Trip Generation Manual; or
- (C)** Any development that would result in 100 or more off-street parking spaces.

**(cc) Standards.** All oil control facilities must be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual.

**(viii) Stormwater Source Controls.**

**(aa) Purpose.** The purpose of Stormwater Source Control standards is to prevent stormwater pollution by eliminating pathways that may introduce pollutants into stormwater.

**(bb) Applicability and Exemptions.** Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in below.

- (A)** Fuel dispensing facilities and surrounding traffic areas where vehicles, equipment, or tanks are refueled on the premises. A fuel dispensing facility is the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers. Exempt from this subsection are:
  - (i)** Propane tanks.
  - (ii)** Fuel dispensing areas generally used to service oversized equipment, for example cranes, that cannot maneuver under a roof or canopy.
  - (iii)** Existing fueling areas where scope of work is limited to a new canopy installation over an existing fuel pad that is not being upgraded, an

underground tank replacement for compliance with state regulations, or the replacement of a fuel pump on an existing fuel pad that is not being upgraded.

- (B) Exterior storage of liquid materials, for example chemicals, food products, waste oils, solvents, process wastewaters, or petroleum products in aboveground containers, in quantities of 50 gallons or more, including permanent and temporary storage areas. Exempt from this subsection are underground storage tanks or installations requiring a Water Pollution Control Facility (WPCF) permit and containers with internal protections (such as double-walled containers).
- (C) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for one and two family dwelling and areas used for the temporary storage of wood pallets or cardboard.
- (D) Developments that stockpile or store high-risk or low-risk bulk materials in outdoor containers, as the terms “high risk” and “low risk” are in the Stormwater Management Manual. Exempt from this subsection are:
  - (i) Materials which have no measurable solubility or mobility in water and no hazardous, toxic or flammable properties.
  - (ii) Materials which exist in a gaseous form at ambient temperature.
  - (iii) Materials, except for pesticides and fertilizers, that are contained in a manner that prevents contact with stormwater.
- (E) Developments proposing the installation of new material transfer areas as defined in the Stormwater Management Manual, or structural alterations to existing material transfer areas, such as access ramp re-grading and leveler installations. Exempt from this subsection are areas used only for mid-sized to small-sized passenger vehicles and restricted by lease agreements or other regulatory requirements to storing, transporting or using materials that are classified as domestic use, for example, primary educational facilities (elementary, middle or high schools), buildings used for temporary storage and churches.

(F) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:

- (i) Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for example cranes and sail boats.
- (ii) Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.
- (iii) One and two family dwelling sites.

Development that is intended for the storage of 10 or more fleet vehicles must include a designated vehicle washing area.

(G) All development projects that disturb property suspected or known to contain contaminants in the soil or groundwater.

(H) All development with new covered vehicle parking areas, or existing parking structures that are being developed. Exempt from this subsection are single-level canopies, overhangs and carports.

(cc) **Standards.** All source controls must be designed and constructed according to the source control provisions set forth in the Stormwater Management Manual.

(dd) **Enforcement.** Failure to construct, operate and maintain source controls when a land use application, development permit or tenant improvement has resulted in a defined site use or characteristic listed above is subject to enforcement in accordance with Lane Code.

(ix) **Dedication of Stormwater Easements.**

(aa) **Purpose.** The purpose of Dedication of Stormwater Easements is to ensure that County maintained stormwater management facilities designed and constructed in accordance with adopted policies and the Stormwater Management Manual can be accessed by the County for routine and/or emergency maintenance to protect life and property from flood and drainage hazards, ensure that water quality is protected, and to ensure that waterways in the headwaters area are protected from the erosive effects of runoff.

(bb) **Applicability.** Stormwater easement standards apply to all land use applications and development permits that result in the



construction of a County maintained Stormwater Management Facility.

(cc) **Standards.** The applicant must dedicate public easements approved by the County over County maintained stormwater management facilities provided the County makes findings to demonstrate consistency with constitutional requirements. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:

- (A) Except for areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any open drainage way, headwater, stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto or from city-owned property or into city maintained facilities.
- (B) For areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any water course or channel.
- (C) Where necessary to extend public drainage facilities and services to adjoining undeveloped property.
- (D) To provide necessary drainage from the public right-of-way.
- (E) Where the County has accepted functional maintenance responsibility for pollution reduction and/or flow control facilities.

(x) **Stormwater Operation and Maintenance.**

- (aa) **Purpose.** The purpose of Stormwater Operation and Maintenance standards is to ensure that stormwater management facilities designed and constructed in accordance with the Stormwater Management Manual are operated and maintained in a manner that protects life and property from flood and drainage hazards, protects water quality, and protects the waterways from the erosive effects of runoff.
- (bb) **Applicability.** Operation and maintenance standards apply to all facilities designed and constructed in accordance with the Stormwater Management Manual.

(cc) **Standards**

- (A) Unless the County accepts the responsibility to operate and maintain a stormwater facility, all stormwater management facilities must be privately operated and maintained.
- (B) All stormwater facilities must be operated and maintained in accordance with Lane Code and the Stormwater Management Manual.
- (C) Applications proposing private operation and maintenance of all or part of the stormwater facility must include an Operations and Maintenance Plan in accordance with the forms adopted as a part of the Stormwater Management Manual.
- (D) A maintenance log is required. The log must provide a record of all site maintenance related activities. The log must include the time and dates of facility inspections and specific maintenance activities, and must be available to County inspection staff upon request.

- (dd) **Enforcement.** Failure to operate or maintain the Stormwater Management Facility according to the Operations and Maintenance Plan may result in enforcement action, including a civil penalty, as specified in Lane Code.

(e) **Utilities**

(i) **Underground Utilities**

- (aa) **Generally.** All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities must be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.
- (bb) **Subdivisions.** The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
  - (A) The developer must make all necessary arrangements with the serving utility to provide the underground services. Care must be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic as required in Lane Code (LC) 15.095(3) and as defined in LC 15.010(40);

- (B) The County reserves the right to approve the location of all surface-mounted facilities;
  - C) All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, must be constructed prior to the surfacing of the streets; and
  - (D) Stubs for service connections must be long enough to avoid disturbing the street improvements when service connections are made.
- (ii) **Exception to Undergrounding Requirement.** The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.
- (f) **Easements**
- (i) **Provision.** The developer or applicant must make arrangements with the County, the applicable zone, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The County's standard width for public main line utility easements is determined by the County Engineer.
  - (ii) **Recordation.** As determined by the County Engineer, all easements for sewers, stormwater management, water quality facilities, water mains, electric lines, or other public utilities must be recorded with the final plat. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

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(g) **Construction Plan Approval and Assurances**

- (i) **Plan Approval and Permit.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements may be undertaken until the plans have been approved by the County, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the County for construction and other services in connection with the improvement. The permit fee is set by the County.
- (ii) **Performance Guarantee.** The County may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

(h) **Installation**

- (i) **Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, must conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the County.
- (ii) **Commencement.** The County must be notified in advance in writing before any work begins.
- (iii) **Resumption.** If work is discontinued for more than one month, the County must be notified in writing before work is resumed.
- (iv) **County Inspection.** Improvements must be constructed under the inspection and to the satisfaction of the County. The County may require minor changes in typical standards and specifications, and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review as a modification of approval and/or conditions of approval. Any monuments that are disturbed before all improvements are completed by the subdivider must be replaced prior to final acceptance of the improvements.
- (v) **Engineer's Certification and As-Built Plans.** A registered engineer must provide written certification in a form required by the County that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to County acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer must also provide two set(s) of "as-built" plans, in conformance with the County Engineer's specifications, for permanent filing with the County.  
*(Revised by Ordinance No. 13-2, Effective 7.4.13)*

**RURAL RESIDENTIAL ZONE (RR)  
RURAL COMPREHENSIVE PLAN**

**16.290 Residential Zone (RR).**

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

(2) Permitted Uses. The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured home or recreational vehicle on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured home or recreational vehicle; or

(iii) A resident of the temporary manufactured home or recreational vehicle is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured home or recreational vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured home or duplex.

(vi) The temporary manufactured home or recreational vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured home or recreational vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured home or recreational vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured home or recreational vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured home or recreational vehicle, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A minor home occupation and/or a home office that comply with these conditions:

(i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.

(ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 5.600, PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not be "plainly audible," as defined by LC 5.605, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the minor home occupation shall comply with LC 5.700, NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.



(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 5.600 for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;

(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Residential Accessory Structures and Uses. Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, and animal or pet shelters

(u) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

(i) The total floor area of the structure is no more than 850 square feet;

(ii) The structure does not contain a kitchen.

(iii) The structure is located on a lot or parcel that has a lawfully existing dwelling or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(3) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate home occupation on their Rural Residential zoned land;

(ii) To assure that the operation of home occupation will be compatible with nearby uses;

(iii) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a home occupation. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not

useable, without significant alteration, for other uses allowed by LC 16.290(2), then the home occupation shall not be allowed.

(iii) The amount of building floor area of home occupation shall not exceed:

(aa) 3,000 square feet for any parcel or lot located outside an unincorporated community; or

(bb) 4,000 square feet for any parcel or lot located inside an unincorporated community.

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.

(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16.

(a) Feeding, breeding and management of livestock, poultry, or fur bearing animals in excess of the standards in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the

requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

(f) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(g) An onsite sewage disposal system for a non-residential use on a nearby property in a rural zone.

(h) A replacement of a lawfully existing (per LC Chapter 16) dwelling, manufactured dwelling or duplex that relies on evidence of its lawfully existing nature other than required by LC 16.290(2)(b) above, or a replacement dwelling, manufactured dwelling or duplex that shall comply with the following requirements:

(i) The dwelling, manufactured dwelling or duplex was removed or destroyed within 12 months of the date that the Director received the special use permit application for its replacement;

(ii) Prior to the removal of the dwelling, manufactured dwelling or duplex, it was a lawfully existing dwelling, manufactured dwelling or duplex; and

(iii) The replacement dwelling, manufactured dwelling or duplex shall be located on the same foundation footprint as the removed or destroyed dwelling, manufactured dwelling or duplex or shall be located in compliance with LC 16.290(7) below.

(i) Animal hospitals. An "animal hospital" is a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use. The square foot floor area of an animal hospital shall not exceed 4,000 square feet for any parcel located in an unincorporated community or 3,000 square feet for any parcel located outside of an unincorporated community.

(j) Commercial breeding kennel or commercial kennel. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. These terms are not intended to include an animal hospital or a noncommercial kennel.

(k) Campgrounds and camping vehicle parks. A "campground" is an area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development. A "camping vehicle park" is a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating. Campgrounds and camping vehicle parks:

- (i) Shall be located at least:
  - (aa) 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, or
  - (bb) 3 miles from any other urban growth boundary unless they are contiguous to or located on lands with an accessible park or other outdoor amenity; and
- (ii) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period; and
- (iii) Shall not exceed the carrying capacity of the soil or existing water supply resources or result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,
- (m) Churches. A "church" is a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.
- (n) Golf courses.
- (o) Lodges and grange halls that:
  - (i) are owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural area; or
  - (ii) do not contain more than 4,000 square feet if located in an unincorporated community or not more than 3,000 square feet if located outside an unincorporated community.
- (p) Parks, playgrounds, community centers.
- (q) Public and private schools. A "school" is a place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of education is provided.
- (r) Storage facilities for boats and recreational vehicles.
- (s) Uses and development similar to uses and development allowed by LC16.290(2) or (4) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.290(2) through (4) above. Such a finding shall be made by the Director and shall comply with the following criteria:
  - (i) The proposed use and development shall be consistent with the purpose in LC 16.290(1).
  - (ii) When compared with the uses and development permitted by LC 16.290(2) or (4) above, the proposed use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:
    - (aa) Goods or services traded from the site;
    - (bb) Bulk, size, and operating characteristics of the proposed use;
    - (cc) Parking demand, customer types and traffic generation; and
    - (dd) Intensity of land use of the site.
  - (iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or

proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(u) Stables, riding academies or commercial riding.

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

(a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

(c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and

(d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

(a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or parcels for residential purposes on land zoned RR-1 shall be two acres as long as required by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.

(b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.

(c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:

(i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;

(ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

(iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;

(iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;

(v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and

(vi) "Habitable dwelling" means a dwelling, that:

(aa) Has intact exterior walls and roof structure;

(bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

(7) Property Development Standards. All uses or development permitted by LC 16.290(2) through (4) above, except as may be provided therein, shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;

(ii) At least 10 feet from all other property lines; and

(ii) Notwithstanding LC 16.290(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 10 foot setback otherwise required by LC 16.290(7)(a)(ii) above provided it complies with LC 16.290(7)(d) below.

(b) The setback for property lines other than front-yard shall be five feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapters 918-600 =.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(f) Height. None.

- (g) Signs.
  - (i) Signs shall not extend over a public right-of-way or project beyond the property line.
  - (ii) Signs shall not be illuminated or capable of movement
  - (iii) Signs shall be limited to 200 square feet in area.
- (h) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15)*

## RURAL COMMERCIAL ZONE (RC, RCP) RURAL COMPREHENSIVE PLAN

### 16.291 Rural Commercial Zone (RC, RCP).

(1) Purpose. The purposes of the Rural Commercial Zone (RC, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP), to allow commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area, and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.291 is not retroactive. The Director has no authority to initiate compliance with LC 16.291 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.291(2)(a) through (k) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to compliance with the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.291.

(b) The uses and development allowed by LC 16.291(3)(a) through (w) , (y) through (z), (a-a), (ee), (ff), and (gg) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing commercial structures on the subject property, shall comply with the setback requirements of LC 16.291(6)(a) through (b) below, and shall not extend the commercial uses and development beyond the area of the existing commercial uses and development. The area of the existing commercial uses and development shall include all existing structures and outside areas used for the commercial use such as private drives, off street parking and loading areas, and outside storage areas; or

(ii) The use and development shall be a minor addition to a commercial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.291 was applied to the subject property and shall not be closer to a property line than the closest portion of existing commercial structures meeting the setbacks required by LC 16.291(6)(a) through (b) below. To verify compliance with these standards, the applicant shall submit to the Director an administrative application for verification of compliance and the Director shall determine if the addition to a commercial structure complies with these standards; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.291(6)(a) through (b) below; or



(iv) The proposed development is a sign that complies with LC 16.291(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16.

(v) Structures permitted by LC 16.291(2)(b)(ii) and (iii) above shall comply with the floor area and lot or parcel coverage requirements of LC 16.291(4)(a) below.

(c) Public and semi-public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground utility lines that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.291(2)(c) above shall be maintained.

(d) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are breed or sold, or where dogs receive medical care.

(e) Fish and wildlife habitat management.

(f) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing commercial use permitted by LC 16.291(2)(a) through (b) above or (3)(a) through (w), (a-a) or (b-b) below and located on the same lot or parcel as the existing commercial use;

(ii) There shall not be any other living quarters or dwellings on the lot or parcel where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the structure as a single family living quarters.

(g) A single family dwelling or manufactured dwelling in conjunction with an existing commercial use provided there is no other dwelling or single family living quarters on the same lot or parcel.

(h) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(i) Not more than one bed and breakfast accommodation on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(j) Not more than one residential home on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(k) Uses and development accessory to existing uses and development permitted by LC 16.291(2)(a) through (j) above or (3)(a) through (c-c) below.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.291(3)(a) through (t), and (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (a-a) through (b-b) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.291(4)(a) through (j) below and elsewhere in LC Chapter 16. The uses and development in LC 16.291(3)(u) and (c-c) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements elsewhere in LC Chapter 16.

(a) Retail trade of products, including: food, new general merchandise, second-hand general merchandise in an enclosed building; and building materials, hardware or farm equipment.

(b) Retail trade of hay, grains or goods for animal consumption or care.

(c) Retail trade of services, including: personal, finance, insurance, banking, real estate, professional, and the construction trades including but not limited to general contracting, carpentry, cabinetmaking, electrical, plumbing, and landscaping.

(d) Restaurants.

(e) Bars, nightclubs, taverns or brewpubs.

(f) Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.

(g) Medical or veterinarian clinic.

(h) Service stations and auto repair garages.

(i) Bus passenger terminals.

(j) Boat charter and rental, including fishing equipment.

(k) Outdoor tourist attractions featuring displays of educational or historical value.

(l) Day camp and picnic areas.

(m) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating and roller blading, riding stables, bowling, skiing, snowboarding and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.

(n) Indoor or outdoor theaters.

(o) Post Office facilities.

(p) Equipment rental and leasing service.

(q) Recreational vehicle or boat storage, sales, repair and subordinate boat building that comprises less building floor area than used for boat sales or rentals.

(r) Marina.

(s) Outdoor car or truck sales lots, indoor truck or auto repair, and not including the outdoor storage of inoperable vehicles.

(t) A commercial kennel or a commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.

(u) New motels or hotels with up to 35 units within an unincorporated rural community designated in the Rural Comprehensive Plan, or new motels or hotels

with up to 100 units within an urban unincorporated community designated in the Rural Comprehensive Plan, that meet the following conditions:

(i) They are located at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5; and

(ii) They are served by a "community sewer system" that means, "A sewage disposal system with connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community."

(v) A recreation vehicle park that may include individual electrical, water and sanitation disposal system hookups. A sanitation disposal system approved by DEQ or a centralized, pump-out vault may be provided for off-loading in compliance with ORS. The stay limit for a recreational vehicle shall not exceed 29 consecutive days or more than 90 days in any calendar year or consecutive six-month period.

(w) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(x) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(y) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(z) Overnight accommodations that shall:

(i) Have no more than 15 guest rooms in a single structure. Food preparation and service in a centralized kitchen may be provided for guests only.

(ii) Have only minor incidental and accessory retail sales;

(iii) Be occupied only temporarily for the purpose:

(aa) Of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission if located within ¼ mile of fish bearing Class I waters, or

(bb) Of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and wildlife Commission; and

(iv) The Approval Authority may impose appropriate conditions.

(a-a) A short term stay facility for the homeless or transients that may include the provision of food and clothing for those staying in or visiting the facility provided the facility shall:

(i) Be operated by a nonprofit organization or public agency;

(ii) Contain no more than five bedrooms or sleeping rooms; and

(iii) Limit the stay for any individual to no more than 29 consecutive days.

(b-b) Uses and development similar to uses and development allowed by LC16.291(3)(a) through (a-a) above if found by the Director to be clearly similar to the uses and development allowed by LC 16.291(3)(a) through (a-a) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.291(1) above.

(ii) When compared with the uses and development permitted by LC 16.291(3)(a) through (a-a) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use and development;

(cc) Parking demand, customer types and traffic generation; and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) The use and development shall not include factories, warehouses, freight terminals, or wholesale distribution centers.

(vi) The use and development shall comply with LC 16.291(4)(a) through (h) below.

(vii) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(c-c) An expansion of a lawfully existing commercial use that shall:

(i) Not result in more than a 50% increase in the total square foot floor area devoted to the commercial use that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; or

(ii) Not result in more than a 50% increase in the number of temporary overnight accommodations that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; and

(iii) Be used primarily by rural residents and/or tourists.

(d-d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(ee) Marijuana production, subject to Lane Code 16.420. Only the Tier 1 level of production, as licensed by the OLCC is allowed. Only indoor marijuana production, as defined by state law and regulated by OLCC is allowed.

(ff) Marijuana retail sales, subject to Lane Code 16.420.

(gg) Marijuana laboratory operations, subject to Lane Code 16.420.

(hh) Marijuana processing, subject to Lane Code 16.420.

(4) Criteria. New uses or development allowed by LC 16.291(3)(a) through (t), (v) through (w), (z), and (a-a) through (b-b), and (e-e) through (h-h) above, shall comply with the criteria in LC 16.291(4) below. Telecommunications facilities allowed by LC 16.291(3)(x) above shall comply with the requirements in LC 16.264.

(a) Floor Area and Lot or Parcel Coverage. If located in an area designated by the RCP as an unincorporated community, no one commercial building or combination of commercial buildings on a lot or parcel within an urban unincorporated community shall contain more than 8,000 square feet of floor area for the same commercial use; or, no one commercial building or combination of commercial buildings on a lot or parcel in any other type of unincorporated community shall contain more than 4,000 square feet of floor area for the same commercial use unless the conditions in LC 16.291(4)(a) below are met. If not located in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,500 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing at least 750 square feet of floor area used for other permitted commercial uses). A country store located outside an area designated by the RCP as an unincorporated community may contain a maximum of 3,750 square feet of floor area. An exception to the 8,000, 4,000 or 3,500 commercial building square feet floor area requirement in LC 16.291(4)(a) above may be allowed if it complies with these requirements:

(i) The exception shall be adopted by ordinance as part of an amendment to the RCP for a specific lot or parcel.

(ii) The exception shall be for an expansion of up to 50% of the existing square feet building floor area used for commercial uses.

(iii) The existing and proposed commercial uses shall:

(aa) Provide goods and services to primarily rural residents or persons traveling through the area;

(bb) Notwithstanding the small-scale commercial building floor area limits in OAR 660-022-0030(10), comply with OAR 660-022 (for commercial uses located inside unincorporated communities) or with the Statewide Planning Goals (for commercial uses located outside unincorporated communities); and

(cc) Fit within the uses allowed by LC 16.291(2) and/or (3) above.

(iv) No more than one exception pursuant to LC 16.291(4)(a) shall be allowed for the same lot or parcel.

(b) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(c) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(d) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(e) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(f) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(g) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(h) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(i) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(j) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development permitted by LC 16.291(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) At least 10 feet from all other property lines except as required in LC 16.291(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall be limited to 100 square feet.

(iv) Signs shall not project above the height of the tallest structure on the property.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 11-04, 6.11.04; 5-04, 7.1.04; 7-12, 12.28.12; 15-08, 12.15.15; 16-01, 2.25.16)*

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**RURAL INDUSTRIAL ZONE (RI, RCP)  
RURAL COMPREHENSIVE PLAN****16.292 Rural Industrial Zone (RI, RCP).**

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f), and (u) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an administrative application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with these standards; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semipublic structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the

view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

(e) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.

(f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (o) below, are allowed subject to: prior submittal and approval of a land use application for the proposed uses or developments pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, "in proximity to the rural resource" shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(c) Forest or farm equipment storage yards, sales, rental or repair.

(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.



(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

(g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(h) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.292(1) above.

(ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site.

(bb) Bulk, size, and operating characteristics of the proposed use.

(cc) Parking demand, customer types and traffic generation.

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(vi) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

(i) The single-family dwelling, manufactured or mobile home shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single-family dwelling, manufactured or mobile home for the caretaker will be located; and

(iii) The single-family dwelling, manufactured or mobile home for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the industrial use on it.

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

(i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);

(ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

(iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;

(iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion;

(v) Not create a hazardous natural condition such as erosion, landslide or flooding; and

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.

(o) Any level of industrial uses sited on an abandoned or diminished mill site. The Director shall determine the boundary of the mill site that may include only those areas that were improved for the processing or manufacturing of wood products. The Board shall determine the boundary of an abandoned or diminished mill site that is rezoned for Rural Industrial Use pursuant to LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

(i) Is located on a parcel or lot outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial

Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(r) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(s) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size or type, on a lot or parcel that was zoned for industrial use on January 1, 2004, subject to compliance with these requirements:

(i) The Director may authorize on-site sewer facilities to serve the industrial development authorized under LC 16.292(3)(s), including accessory uses subordinate to the industrial development.

(ii) The lot or parcel is located more than three miles outside the urban growth boundary of every city with a population of 20,000 individuals or more; or

(iii) The lot or parcel is located outside an urban growth boundary of every city with a population of fewer than 20,000 individuals.

(iv) The lot or parcel is located west of the summit of the Coast Range.

(v) When the Director considers action under LC 16.292(3)(s) for a lot or parcel within 10 miles of the urban growth boundary of a city, the Director shall give notice to the city at least 21 days prior to taking action.

(vi) If the City objects to the authorization of the proposed industrial development under LC 16.292(3)(s), the Director shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

(t) Composting Facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.

(u) Marijuana production, marijuana processing, marijuana wholesale distribution, marijuana laboratory operations, and marijuana research, subject to Lane Code 16.420, may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k), and (n) through (o) and (u) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04; 6-10 9.17.10; 7-12, 12.28.12; 14-09, 12.29.14; 15-08, 12.15.15; 16-01, 2.25.16)*

## **RURAL PUBLIC FACILITY ZONE (RPF, RCP) RURAL COMPREHENSIVE PLAN**

### **16.294 Rural Public Facility Zone (RPF, RCP).**

(1) Purpose. The purposes of the Rural Public Facility Zone (RPF, RCP) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed exception lands. LC 16.294 applies only to developed and committed exception lands;

(b) To provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual uses not normally associated with other zones;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan; and

(d) LC 16.294 is not retroactive. The Director has no authority to initiate compliance with LC 16.294 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.294(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to compliance with the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.294.

(b) The uses and development authorized by LC 16.294(3)(a) through (q), (s) and (t) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The uses and development shall not change the number, size or location of existing public facility structures on the subject property and shall not extend the public facility uses and development beyond the area of the existing public facility uses and development. The area of the existing public facility uses and development shall include all existing structures and outside areas in public facility use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.294(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a public facility structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.294 was applied to the subject property and shall not be closer to a property line than the closest portion of existing public facility structures meeting the setbacks required by LC 16.294(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance with conditions. And, the Director shall determine if the addition to a public facility structure complies with this condition; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.294(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.294(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16 and is not illuminated.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground utility lines that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.294(2)(c) above shall be maintained.

(d) Fish and wildlife habitat management.

(e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(f) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(g) Uses and development accessory to existing uses and development allowed by LC 16.294(2)(a) through (f) above or (3)(a) through (v) below.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16.

(a) Electric utilities such as: a generation plant, transmission facilities, right-of-ways, electricity regulating substations, and other facilities related to electricity generation and distribution.

(b) Gas utilities such as: gas pipeline right-of-way, gas storage and distribution and gas pressure control substations.

(c) Water utilities such as: water treatment plants, water storage, intake and outtake facilities, water pipeline right-of-way, and other facilities related to water treatment and storage.

(d) Sewage disposal including but not limited to: sewage treatment plants, sewage sludge drying beds and sewage pressure control stations.

(e) Solid waste disposal such as: refuse incineration, central garbage grinding stations, composting plants, sanitary landfills and refuse disposal.

(f) Educational facilities and services such as: nursery, primary and secondary education; colleges and professional schools; special training schools such as those for: vocations, trades, arts, music, dancing, driving, gymnastics and correspondence. Such uses must be located inside an unincorporated community.

(g) National Guard centers and meeting halls within one-half mile radius of Lane Community College.

(h) Religious activities such as: churches, synagogues, temples, and monastery or convent.

(i) Welfare and charitable services. Such uses must be located inside an unincorporated community.

(j) Professional membership organizations. Such uses must be located inside an unincorporated community.

(k) Labor unions and similar organizations. Such uses must be located inside an unincorporated community.

(l) Civic, social and fraternal associations. Such uses must be located inside an unincorporated community.

(m) Business associations. Such uses must be located inside an unincorporated community.

(n) Sports assembly for lands owned and operated by public or private schools for primary, secondary or college education such as: stadiums or grandstands, foot race tracks, ball playing fields, and basketball, volleyball or tennis playing courts. Such uses must be located inside an unincorporated community or for schools that provide education primarily for rural residents living in the area.

(o) Governmental services, such as: post office, fire station and sheriff or police station. Such uses must be located inside an unincorporated community.

(p) Cemeteries.

(q) Health services such as: dental or medical offices or clinics, dental or medical laboratory, and convalescent and rest homes. Such uses must be located inside an unincorporated community.

(r) Communication facilities, such as: internet station and offices; radio station, studio and towers; and TV station, studio and towers.

(s) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(t) Heliport.

(u) Uses and development similar to uses and development permitted by LC16.294(3)(a) through (t) above if found by the Director to be clearly similar to the uses and development permitted by LC 16.294 (3)(a) through (t) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.294(1) above.

(ii) When compared with the uses and development permitted by LC 16.294(3)(a) through (t) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use and development;

(cc) Parking demand, customer types and traffic generation;  
and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(v) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing public facility use permitted by LC 16.294(2)(a) through (d) or (3)(a) through (u) above and located on the same lot or parcel as the existing public facility use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from portion of the same lot or parcel with the public facility use on it.

(w) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Criteria. New uses or development allowed by LC 16.294(3)(a) through (u) above, except for telecommunications facilities allowed by LC 16.294(3)(s) above, shall comply with the criteria in LC 16.294(4) below. Telecommunications facilities allowed by LC 16.294(3)(s) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.



(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development permitted by LC 16.294(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) At least 10 feet from all other property lines except as required in LC 16.294(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(iv) Signs shall not project above the height of the tallest structure on the property.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-10, 11.25.10; 16-01, 2.25.16)*

**RURAL PARK AND RECREATION ZONE (RPR, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.295 Rural Park and Recreation Zone (RPR, RCP).**

(1) Purpose. The purposes of the Rural Park and Recreation Zone (RPR, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to recognize existing park and recreation areas by applying the RPR, RCP zone to these areas; to provide objective land use and siting criteria in order to allow the uses and development indicated in the State Park Master Plan, the Lane County Parks Master Plan or privately developed recreation uses on developed and committed (D&C) lands; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.295 is not retroactive. The Director has no authority to initiate compliance with LC 16.295 for lawfully (per LC Chapter 16) existing uses and development.

(2) Permitted Uses and Development. The uses and development in LC 16.295(a) through (n) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.295.

(b) The uses and development authorized by LC 16.295(3)(a) through (k) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with the following conditions:

(i) The use and development shall not change the number, size or location of existing park and recreation structures on the subject property and shall not extend the park and recreation uses and development beyond the area of the existing park and recreation uses and development. The area of the existing park and recreation uses and development shall include all existing structures and outside areas used for park and recreation use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.295(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a park and recreation structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.295 became applicable to the subject property and shall not be closer to a property line than the closest portion of existing park and recreation structures meeting the setbacks required by LC16.295(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance. And, the Director shall determine if the addition to a park and recreation structure complies with this condition; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC16.295(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.295(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.295(6)(a) through (b) and is not illuminated.

(c) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing park and recreation use permitted by LC 16.295(2)(a) or (b) above or (3)(a) through (k) or (o) below and located on the same lot or parcel as the existing park and recreation use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the park and recreation use on it.

(d) Farm use or forest operations or forest practices including, but not limited to, reforestation of forestland, forest road construction and maintenance, harvesting of a forest tree species, and disposal of slash.

(e) Towers and fire stations for forest fire protection.

(f) Fishing without any lodging accommodations.

(g) Aids to navigation and aviation.

(h) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(i) Forest management research and experimentation facilities as defined by ORS 526.215.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Public and semipublic structures and uses rendering direct service to the public in local areas, such as utility substations, pump stations, wells, and underground utility lines or above ground utility lines that do not require a right-of-way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.295(2)(k) above shall be maintained.

(l) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(m) The following uses and developments that are included as part of an adopted State Master Park Plan or adopted Lane County Parks Master Plan that comply with OAR Division 34, State and Local Park Planning:

(i) Campgrounds that are used for temporary overnight camping including: recreational vehicle sites, tent sites, camper cabins, yurts, teepees, covered wagons, group shelters, and campfire program areas.

(ii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools unless located in a developed and committed lands exception area), open play fields, play structures;

(iii) Recreational trails: walking, hiking, biking, horse, or motorized off road vehicle trails; trail staging areas;

(iv) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;

(v) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;

(vi) Support facilities serving only park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(vii) Park maintenance and management facilities located within a park; maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;

(viii) Natural and cultural resource interpretative, educational and informational facilities: interpretive centers, information/orientation centers, self-supporting interpretative and information kiosks, natural history or cultural museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores in state parks not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education;

(ix) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(aa) Meeting halls not exceeding 2,000 square feet of floor area;

(bb) Dining halls (not restaurants).

(n) Uses and development that are accessory to existing uses and development permitted under LC 16.295(2)(a) through (m) above or (3)(a) through (o) below.

(3) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16.

(a) Golf course.

(b) Riding stables.

(c) Yachting clubs.

(d) Game rooms, miniature golf, go cart tracks.

(e) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(f) A clubhouse for an existing golf course. The clubhouse may include a restaurant, retail trade of food or new general merchandise, and recreation areas.

(g) A State or Lane County Park that is located on developed and committed exception area lands and that is not included in an adopted master park plan. These parks may include any of the uses mentioned in LC 16.295(2)(m) above.

(h) Race track.

(i) Recreational shooting.

(j) Airport and flying field.

(k) Expansion of lawfully (in terms of LC Chapter 16) existing uses.

(l) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(m) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264

(n) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(o) Uses and development similar to uses and development allowed by LC16.295(3)(a) through (n) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.295(3)(a) through (n) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.295(1).

(ii) When compared with the uses and development permitted by LC 16.295(3)(a) through (n) above, the use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use;

(cc) Parking demand, customer types and traffic generation;  
and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(p) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Criteria. New uses or development allowed by LC 16.295(3)(a) through (o) above, except for telecommunications facilities allowed in LC 16.295(3)(m) above, shall comply with the criteria in LC 16.295(4) below. Telecommunications facilities allowed by LC 16.295(3)(m) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to comply with LC 16.295 and other requirements of LC Chapter 16. Land divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development allowed by LC 16.295(2) and (3) above shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable, are met.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not project above the height of the tallest structure on the property.

(iv) Signs shall not contain more 200 square feet in area.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. (*Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 16-01, 2.25.16*)

## **PRIVATE USE AIRPORT OVERLAY ZONE (/PUAO, RCP) RURAL COMPREHENSIVE PLAN**

### **16.296 Private Use Airport Overlay Zone (PUAO, RCP)**

(1) Purpose. The purpose of the Private Use Airport Overlay Zone is to recognize the locations of certain private use airports and heliports and to provide for their continued operation and vitality consistent with state law. It also provides for standards to promote air navigational safety at these airports, and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.

(2) Applicability. The Private Use Airport Overlay Zone consists of two elements: a private use airport operation district and a safety overlay zone.

(a) The private use airport operation district applies to private use airports and heliports in rural Lane County that were the base for three or more aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation. The boundaries of the private use airport operation district are delineated on the Official Private Use Airport Overlay Zone Map. The identified private use airports and heliports in Lane County include:

(i) Crow-Mag Airport;

- (ii) Jasper Ridge Airport;
- (iii) Meadowview Heliport;
- (iv) Strauch Field Airport; and
- (v) Walker Airport.

(b) The safety overlay zone applies to those lands encompassed by the airport and heliport surfaces set forth and defined in LC 16.296(3), delineated in LC 16.296(8) and diagramed LC 16.296(13).

(c) If any airport or heliport to which this overlay zone has been applied is removed from the State's list of airports in a manner described in ORS 836.610, the county will no longer apply and enforce the safety overlay zone that corresponds to the removed airport or heliport.

(3) Definitions.

Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Elevation. The highest point of an airports' usable runway, measured in feet above mean sea level.

Airport Imaginary Surface. Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport or heliport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of a runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to the width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for one foot forward.

Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Heliport. An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

Heliport Imaginary Surface. Airport imaginary surfaces as they apply to heliports.

Heliport Approach Surfaces. The approach surface beginning at each end of the heliport primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

Heliport Primary Surface. The area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

Heliport Transitional Surfaces. Surfaces extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontal from the centerline of the primary and approach surfaces.

Obstruction. Any structure, or tree, plant or other object of natural growth that penetrates an imaginary surface.

Primary Surface. A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation on the nearest point on the runway centerline. The width of the primary surface is 200 feet.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. For the purposes of LC 16.296, “structures” means any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

(4) Existing Uses within the Private Use Airport Operation District. Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of January 1, 2008. The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos. The determination is subject to submittal and approval of an Airport Use Determination application pursuant to Type II procedures of LC Chapter 14.

(5) Continued Operation of Existing Uses. Operation of the following uses may be continued within the airport operation district at their current levels as of February 1, 2008, upon determination that the use existed at the airport or heliport at any time during 1996.

(a) Customary and usual aviation-related activities, including but not limited to take-offs and landings.

(b) Aircraft hangers and tie-downs.

(c) Ongoing maintenance of airport facilities.

(d) Fixed based operator facilities.

(e) One single family residence per airport for either: an airport caretaker, operator or security officer, but not a residence for each.

(f) Other activities incidental to the normal operation of an airport. Except as provided elsewhere in Lane Code 16.296, “customary and usual aviation-related activities” do not include residential, commercial, or industrial uses provided for in other sections of Lane Code Chapter 16.

(g) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

(h) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical labs, medical equipment sales, and other similar uses.

(i) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

(j) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.



(k) Flight instruction, including activities, facilities, and non-residential accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

(l) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personnel use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

(m) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

(n) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

(o) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agriculture, forestry or rangeland management setting.

(p) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.

(q) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft, aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving. Parachuting businesses may only be allowed where the business has approval to use a drop zone that is at least 10 contiguous acres in size. A larger drop zone may be required where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(6) Expansion of Existing Uses. The expansion of uses identified in 16.296(5)(a)-(q) that existed at any time during 1996, are permitted as provided in this section.

(a) Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

(i) Construction of additional hangars and tie-downs by the owner of the airport or heliport.

(ii) Basing additional aircraft at the airport or heliport.

(iii) Increases in flight activity.

(b) Other Expansions of Existing Uses.

(i) Growth of existing uses that require building permits, other than those existing uses identified LC 16.296(6)(a) shall be permitted as an administrative decision without public hearing, unless the growth:

(A) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals.

(B) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(C) Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

(ii) Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in LC 16.296(7).

(7) New Uses. Uses identified in LC 16.296(5) are permitted following a public hearing before the Director upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

(a) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) The uses do not seriously interfere with existing land uses in areas surrounding the airport or heliport; and

(c) For airports or heliports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

(8) Safety Overlay Zone Surface Delineation. The location of the imaginary surfaces defined in LC 16.296(3) for each private use airport and heliport subject to this overlay zone are depicted on the Official Private Use Airport Overlay Zone Map. All lands, waters and airspace, or portions thereof that are located within these surfaces are subject to the requirements of this overlay zone. The dimensional standards and slope profiles for these surfaces are diagramed in LC 16.296(13).

(9) Notice of Land Use and Permit Applications within the Safety Overlay Zone.

(a) The county shall provide written notice of applications for Type I through IV applications affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to 14.060 in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use decisions or administrative approvals.

(b) The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.060, is provided to parties to a land use or limited land use proceeding.

(10) Height Limitations within the Safety Overlay Zone. All structures permitted by the underlying zone shall comply with the height limitations in LC 16.296(10)(a) and (b), below. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations controls.

(a) Except as provided in LC 16.296(10)(b) below, no structure, tree or other object of natural growth shall penetrate an airport imaginary surface.

(b) Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall comply with LC 16.256(1) and (2), and shall be subject to such conditions and terms as recommended by the Department of Aviation.

(11) Procedures. An applicant seeking a land use or administrative approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(a) A map or drawing showing the location of the property in relation to the airport or heliport imaginary surfaces. The Director shall provide the applicant with appropriate base maps upon which to locate the property.

(b) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

(c) If a height variance is requested, letters of support from the airport sponsor and the Department of Aviation.

(12) Nonconforming Structures.

(a) These regulations do not require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations do not require any change in the construction, alteration or intended use of any structure for which construction was begun or land use permits were applied for prior to January 1, 2008.

(b) Notwithstanding LC 16.296(12)(a), the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

(c) No land use decision, administrative approval or other permit shall be granted that would allow a nonconforming structure to become a greater hazard to air navigation than it was on January 1, 2008.

(13) Surfaces Diagramed. The airport surfaces delineated in LC 16.296(8), above are as diagramed in Figure 1.1, below. The heliport surfaces delineated in LC 16.296(8) above are as diagramed in Figure 1.2, below. In addition to the diagrams below, these surfaces have been mapped on the Official Private Use Airport Overlay zone map.

16.296

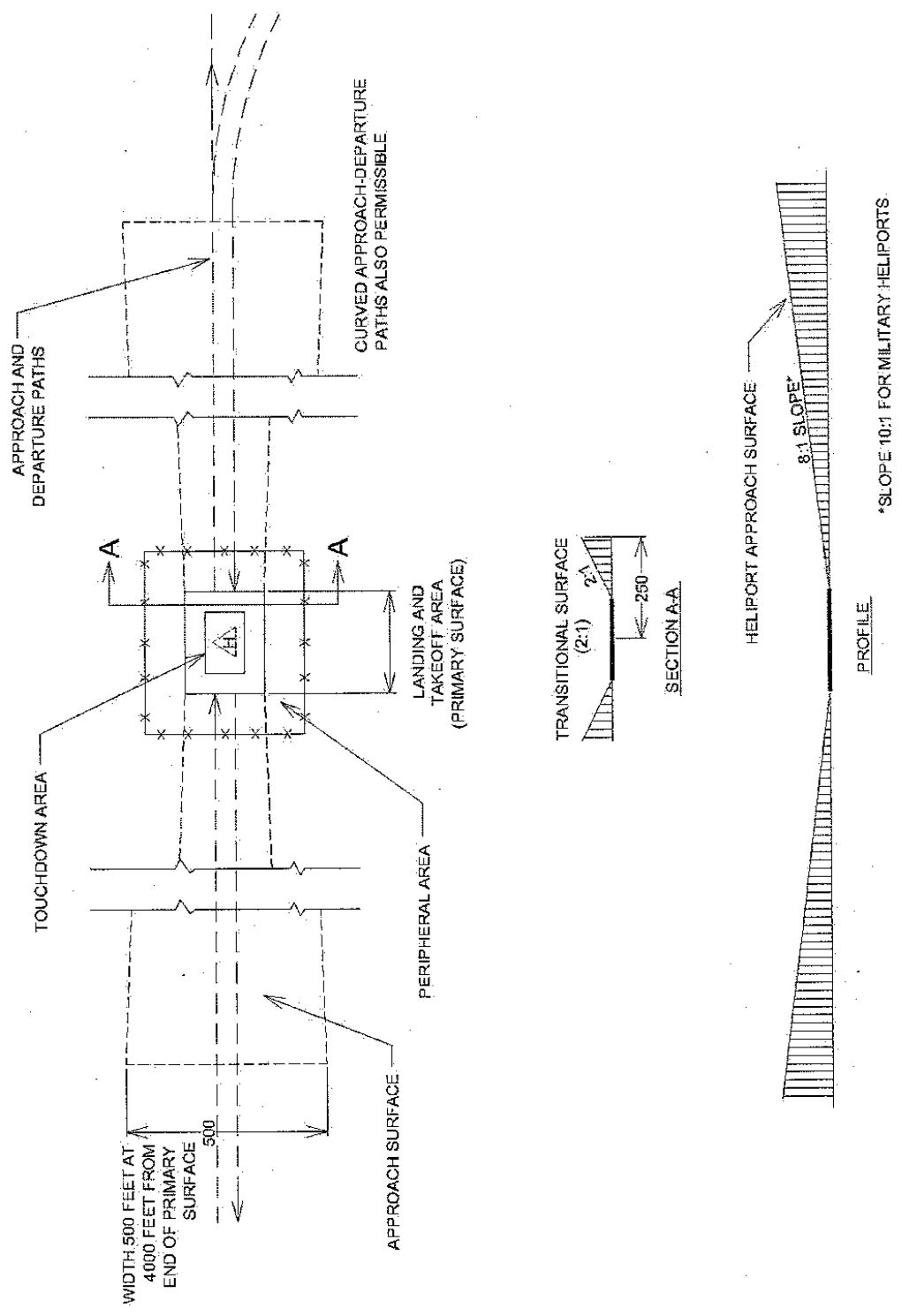
Lane Code

16.296



| DIM | ITEM   | DIMENSIONAL STANDARDS IN FEET |
|-----|--|-------------------------------|
| A   | WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END | 200                           |
| B   | APPROACH SURFACE WIDTH AT THE END                                | 450                           |
| C   | APPROACH SURFACE LENGTH  | 2500                          |
| D   | APPROACH SLOPE   | 20:01                         |

LC 16.296 (13) Figure 1.1: Private-Use Airport Surfaces



LC 16.296 (13) Figure 1.2: Heliport Surfaces

(Revised by Ordinance No. 15-07, Effective 2.1.08; 7-10, 11.25.10)

(iii) Until such time as the Oregon Department of Transportation (“ODOT”) purchases access rights on Van Duyn Road within the Coburg IAMP Combining Zone that is designated for restricted access by the adopted Coburg IAMP, Chapter 5, any redevelopment of property within this area that would result in a greater number of average daily trips or an increase in large truck trips will require written approval from ODOT and subject to the limits of applicable provisions of Lane Code.

(b) Notice. Lane County will provide notice to ODOT for land use actions within the Coburg IAMP Combining Zone area, including, but not limited to, the following:

(i) Amendments to the Lane County Rural Comprehensive Plan or the Lane County Transportation System Plan;

(ii) Zone changes or other land use proposals;

(iii) Land use proposals involving requests for new access to Van Duyn Road. *(Revised by Ordinance No. 6-11, Effective 7.21.11)*

## LAND DIVISIONS RURAL COMPREHENSIVE PLAN

### 16.300 Land Divisions.

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.010. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## RURAL COMPREHENSIVE PLAN AMENDMENTS RURAL COMPREHENSIVE PLAN

### 16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) Transportation System Plan (Adopted by Ordinance No. 3-80 and Amended by Ordinance No. 10-04PA 1202) and the following component of the Transportation System Plan:

(aa) Coburg/Interstate 5 Interchange Area Management Plan (Adopted by Ordinance No. PA 1258).

(bb) Highway 126 Fern Ridge Corridor Plan (Adopted by Ordinance No. PA 1297).

(ii) Willamette Greenway Plan Ordinance No. 783).

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of hearing shall be given, pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult

and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of the hearing shall be given pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to Type IV noticing procedures of LC Chapter 14.060.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.



(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to Type IV procedures of LC Chapter 14.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

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(i) A complete description of the proposal and its relationship to the Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal:

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Non-resource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal, review, and approval of an application pursuant to Type IV procedures of LC Chapter 14 and LC 16.400(6) and (10).

(a) As used in this subsection, "abandoned or diminished mill site" means a mill, plant of other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

(i) Is located outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(b) An abandoned or diminished mill site designated as Rural Industrial zone (RI, RCP) pursuant to LC 16.400(10), may be developed for any level of industrial use pursuant to LC 16.292(3)(o), is exempt from the standards of LC 16.292(3)(b), and may occur outside a building or in one or more buildings of any size.

(c) Concurrently with approval of a plan amendment, the Board may approve, without taking an exception to Statewide Goal 11:

(i) The extension of sewer facilities to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(ii) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for Rural Industrial (RI, RCP) use under LC 16.400(10) only as necessary to serve industrial uses authorized for the mill site.

(iii) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(d) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(e) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(f) The Board shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10), land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(g) For an abandoned or diminished mill site subject to LC 16.400(10)(f), the Planning Director may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The Planning Director may not approve a permit for retail, commercial or residential development on the mill site.

(h) For land that on June 10, 2003, was zoned Impacted Forest Land Zone (F-1, RCP), Nonimpacted Forest Land Zone (F-2, RCP), or Exclusive Farm Use Zone (E-RCP), and that is rezoned for Rural Industrial Zone (RI, RCP) under LC 16.400(10), the Board may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and

circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02; 10-04, 6.4.04; 12-04, 6.11.04; 6-11; 7.21.11; 13-1, 3.12.13)*

## RECREATIONAL MARIJUANA USE STANDARDS

### 16.420 Recreational Marijuana Use Standards

- (1) **Purpose.** The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health safety and welfare of the community while at the same time allowing for these marijuana uses.
- (2) Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.
  - (a) Marijuana uses are allowed as summarized in Table 1 below, and as specified in each applicable code section.
  - (b) Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.
  - (c) Prohibited farm uses. In accordance with Oregon law, and notwithstanding ORS chapters 195, 196, 197 and 215, the following uses are not permitted uses on land designated for exclusive farm use:
    - (i) A new dwelling used in conjunction with a marijuana crop;
    - (ii) A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop; and
    - (iii) A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction with a marijuana crop.
- (3) **Process:** Conformance with the standards below must be demonstrated through submittal of information to the Lane County Planning Director at the time of an OLCC Lane Use Compatibility Statement (LUCS) application. Information submitted to the Lane County Planning Director must be in conformance with LC 14.040 and include a scaled site plan depicting the subject and surrounding properties in sufficient detail to demonstrate compliance with the standards in LC

16-420(4) below. This information must also include the required ventilation/filtration materials and a lighting plan.

(4) **Special Standard.** Marijuana uses are subject to the following standards and criteria:

(a) **Setbacks.**

(i) **Outdoor production.** Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.

(ii) **Indoor production.** Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line, or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.

(b) **Ventilation and air filtration.** Any building, including greenhouses, hoop houses and other similar structures, used for marijuana production or marijuana processing must be equipped with an activated charcoal or carbon filtration or other ventilation system in conformance with the standards below. Evidence of the equipment and materials utilized for meeting the standards below, including manufactures specifications, and a design/schematic of the system showing how it will function must be submitted to Lane County Planning Director.

(i) The submitted design/schematic for the system must be stamped by a mechanical engineer that is currently licensed in the State of Oregon.

(ii) The system must consist of one or more fans and filters.

(iii) At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.

(iv) Activated charcoal or carbon filter(s) must be used in the ventilation system and must filter all of the ventilated air. The filter(s) must be rated for the required CFM as calculated in ii above.

(v) The filters must be maintained and/or replaced in conformance with the manufactures specifications.

(vi) The filtration system, including the activated charcoal or carbon filters, must be maintained in working order and must be in use.

(vii) The opening for any exterior exhaust vent for the ventilation system must:

1. Be in a location that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.

2. Be oriented in a direction that is at least 45 degrees away from any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.
- (viii) An alternative ventilation control system is permitted if the applicant's submittal, stamped by a mechanical engineer that is currently licensed in the State of Oregon, demonstrates that the alternative system will filter the air as well or better than the carbon filtration system otherwise required.
- (c) **Lighting.** A lighting plan showing the location and design of any and all lighting fixtures associated with the use and how the light fixtures will be screened or shielded in conformance with the following standards must be submitted to the Lane County Land Management Division Planning Director.
- (i) Light cast by light fixtures associated with a marijuana production and/or marijuana processing use, inside any building(s) or greenhouse(s) must be screened or shielded from view from the surrounding property boundaries from sunset to sunrise the following day.
  - (ii) Outdoor marijuana grow lights must not be illuminated from sunset to sunrise the following day.
  - (iii) Light cast by exterior light fixtures other than marijuana grow lights (e.g. security lights, driveway lights, etc.) must not shine, or direct illumination or glare onto adjacent properties.
- (d) **Noise.** Noise from mechanical equipment including but not limited to heating, ventilation, air conditioning, lighting, or odor control equipment must comply with Lane Code Chapter 5.600 thru 5.635 where applicable.
- (e) **Marijuana processing.** Marijuana processing, other than primary processing allowed under the definition for farm use, will only be permitted on properties located within the boundaries of a fire protection district.
- (f) **Marijuana testing laboratory.** A marijuana testing laboratory use must be conducted entirely indoors.
- (g) Marijuana Research may be conducted in conjunction with marijuana production and processing or as a standalone use as specified in the applicable zone. Marijuana research will be subject to the odor, noise and lighting standards listed in 16.420(3)(d)-(e).

**Table 1**

|    |   |   | <b>Forest zones<br/>(F-1 &amp; F-2)<br/>(LC 16.210 &amp; 16.211)</b> | <b>Farm zone (EFU)<br/>(LC 16.212)</b>                   | <b>Commercial zones (RC)<br/>(LC 16.291)</b>                          | <b>Industrial zones<br/>(RI, GI, LI)<br/>(LC 16.280 &amp; 16.292)</b> | <b>Residential<br/>and all other<br/>base zones not<br/>listed in this<br/>table</b> |
|----|---|---|--|--|---|---|--|
|    | <b>OLCC License /<br/>Certificate<br/>Type</b>          | <b>Use</b>                                      |  |  |   |   |  |
| 1. | <b>Producer<br/>(grower)<br/>license<br/>(Farm use)</b> | <b>Marijuana<br/>Production</b>                 | Allowed outright as a<br>farm use.                                   | Allowed outright as a<br>farm use.                       | Tier 1:<br>Allowed/Discretionary<br>– Special Use Permit<br>Required. | Allowed/Discretionary<br>- Special Use Permit<br>Required             | Prohibited   |
| 2. | <b>Processor<br/>license</b>                            | <b>Marijuana<br/>Processing</b>                 | Prohibited   | Discretionary -Special<br>Use Permit<br>Required***      | Discretionary -Special<br>Use Permit Required                         | Allowed/Discretionary<br>-Special Use Permit<br>Required              | Prohibited   |
| 3. | <b>Wholesaler<br/>license</b>                           | <b>Marijuana<br/>Wholesale<br/>Distribution</b> | Allowed outright under<br>the definition of farm<br>use.             | Allowed outright under<br>the definition of farm<br>use. | Prohibited  | Allowed/Discretionary<br>-Special Use Permit<br>Required              | Prohibited   |
| 4. | <b>Retail license</b>                                   | <b>Marijuana<br/>Retail Sales</b>               | Prohibited   | Prohibited   | Allowed/Discretionary<br>– Special Use Permit<br>Required             | Allowed/Discretionary<br>-Special Use Permit<br>Required**            | Prohibited   |
| 5. | <b>Laboratory<br/>License</b>                           | <b>Marijuana<br/>Laboratory<br/>Operations</b>  | Prohibited   | Prohibited   | Allowed/Discretionary<br>-Special Use Permit<br>Required              | Allowed/Discretionary<br>-Special Use Permit<br>Required**            | Prohibited   |
| 6. | <b>Research<br/>Certificate</b>                         | <b>Marijuana<br/>Research</b>                   | Allowed in conjunction<br>with a farm use                            | Allowed in conjunction<br>with a farm use                | Prohibited  | Allowed/Discretionary<br>-Special Use Permit<br>Required**            | Prohibited   |

\*\* Size limitation of LC 16.292(3)(b) apply.

\*\*\* Subject to limits of LC 16.212(4)(h)

(Revised by Ordinance No. 15-08 Effective 12.15.15)

**Ordinance No. 18-02**  
**Exhibit B**  
**Findings of Fact**

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**LC 12.005 Purpose.**

***(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.***

The proposed amendments do not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County. The proposed amendments update implementing regulations and follow the laws determined by State of Oregon to best promote the will of the people. Adoption of the proposed amendments will bring the implementing regulations into compliance with State law, promote consistency at the local level with the applicable state laws, and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable State law.

**LC 12.050 Method of Adoption and Amendment**

***(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.***

The proposed amendments will be adopted by ordinance when enacted by the Board.

***(2) The Board may amend or supplement the comprehensive plan upon a finding of:***

- (a) an error in the plan; or***
- (b) changed circumstances affecting or pertaining to the plan; or***
- (c) a change in public policy; or***
- (d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.***

The proposed amendments implement changes to State law and Board policy direction and as such, meet this provision under (b), (c), and (d) above upon adoption by the Board.

**LC 16.252 Procedures for Zoning, Re-zoning, and Amendments to Requirements.**

***(2) Criteria. [Amendments] shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.***



The proposed amendments are intended to comply with State law, provide additional clarification on procedures for applications and appeals, and as applicable, help implement the Lane County Rural Comprehensive Plan. The proposed amendments are not contrary to the public interest in that they implement the laws determined by the State of Oregon to best promote the will of the people.

## Chapter 14 – Application Review and Appeal Procedures

### Sections:

- 14.010 Purpose
- 14.015 Definitions
- 14.020 General Provisions
- 14.030 Procedural Types and Application Processing
- 14.040 Application Requirements
- 14.050 Completeness Review and Time Limits
- 14.060 Notice Requirements
- 14.070 Public Hearings Process
- 14.080 Appeals
- 14.090 Limitations on Approved and Denied Applications
- 14.100 LUBA Remands

### **14.010 Purpose**

- (1) The purpose of this chapter is to establish standard procedures for submittal, acceptance, investigation, and review of applications and appeals, and to establish limitations upon approved or denied applications.
- (2) This chapter applies to Lane Code Chapters 3, 5, 9, 10, 11, 12, 13, 15, and 16, or portions thereof, as specified in those chapters.

### **14.015 Definitions**

~~The definitions in LC 14.015 apply to all actions and interpretations under this chapter.~~ **When a Term is Not Defined. Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code.**

**Conflicting Definitions. Where a term defined in LC 14.015 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the definition in this section will control.**

**Definitions. For the purpose of Chapter 14 of Lane Code, unless the context requires otherwise, the following words and phrases mean:**

~~The meanings of some terms in this chapter may, in certain contexts, be clearly inapplicable. In such cases, the context in which a term is used will indicate its intended meaning, and that intent will control. Where a term defined in LC 14.015 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the definition in this section will control.~~

~~Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code.~~

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- (1) **Acceptance.** Received and considered by the Director to contain sufficient information and materials to begin processing in accordance with the procedures of this chapter.
- (2) **Appearance.** Submission of testimony or evidence in the proceeding, either oral or written. A person's name appearing on a petition filed as a general statement of support or opposition to an application without additional substantive content, and that typically contains the names of a number of other persons, does not constitute an appearance.
- (3) **Appellant.** A person who submits to the department a timely appeal of a decision issued by the County.
- (4) **Applicant.** A person who applies to the department for a decision under this chapter. An applicant must be an owner of the property or someone authorized in writing by the property owner to make application.
- (5) **Approval Authority.** A person or a group of persons, given authority by Lane Code to review and make decisions upon certain applications in accordance with the procedures of this chapter. The approval authority may either be the Director, Hearings Official, or the Board, as specified for application types by this chapter or otherwise specified in LC Chapter 16.
- (6) **Argument.** The assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by a party to a decision. Argument does not include facts.
- (7) **Board.** The Lane County Board of Commissioners.
- ~~(8) **Conditional Use.** The terms conditional, conditional use, conditional use permit(s), conditionally permitted, or conditionally approved are used interchangeably and synonymous with the terms special use(s), special use permit, or similar term used in other chapters of Lane Code that are subject to this chapter.~~
- ~~(9)~~**(8) County.** Lane County, Oregon.
- ~~(10)~~**(9) De Novo.** Review of an application in which all issues of law and fact are heard anew, and no issue of law or fact decided by the lower level review authority is binding on the parties in the new hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony.
- ~~(11)~~**(10) Department.** The Lane County Department of Public Works.
- ~~(12)~~**(11) Director.** The Planning Director of Lane County or the Planning Director's designated representative.
- ~~(13)~~**(12) End of Business.** The end of the business day is 4:00 PM Pacific Time.
- ~~(14)~~**(13) Evidence.** The facts, documents, data, or other information offered to demonstrate compliance or non-compliance with the standards believed by the proponent to be relevant to the decision.

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~~(15)~~**(14)**      **Hearings Official.** A person who has been appointed by the Board in accordance with Lane Manual 3.700 who makes land use decisions under this chapter.

~~(16)~~**(15)**      **Hearing Authority.** The Hearings Official, Planning Commission, or Board who conduct hearings on applications as authorized by this chapter and Lane County land use regulations. The Hearing Official and Board are authorized to issues decisions on certain land use matters. The Planning Commission only makes recommendations on certain land use matters unless otherwise specified in LC Chapter 16.

~~(17)~~**(16)**      **Land Use Decision.** A final decision or determination made by a Lane County approval authority that concerns the adoption, amendment, or application of the Statewide planning goals, a comprehensive plan provision, a land use regulation, or a new land use regulation where the decision requires the interpretation or exercise of policy or legal judgment.

A "Land Use Decision" does not include a decision made by a Lane County approval authority that:

- (a) Is an informal interpretation made under LC 14.020(1);
- (b) Is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;
- (c) Approves or denies a building permit issued under clear and objective land use standards;
- (d) Is a limited land use decision;
- (e) Determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;
- (f) Is an expedited land division as described in ORS 197.360;
- (g) Approves, in accordance with ORS 480.450(7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;
- (h) Approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan;
- (i) Authorizes an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 people that is not anticipated to continue for more than 120 hours in any three-month period, except as provided in ORS 215.213(13)(c);
- (j) Authorizes an outdoor assembly license in accordance with Lane Code 3.995; or
- (k) Is a local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179.

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~~(18)~~**(17)**      **Land Use Regulation.** Any Lane County zoning ordinance, land division ordinance adopted under ORS 92.044 to 92.046, or similar general ordinance establishing standards for implementing the Lane County Comprehensive Plan.

~~(19)~~**(18)**      **Legislative.** An action or decision involving the creation, adoption, or amendment of a law, rule, or a map when a large amount of properties are involved, as opposed to the application of an existing law or rule to a particular use or property.

~~(20)~~**(19)**      **Limited Land Use Decision.** Means a final decision or determination made by Lane County pertaining to a site within an urban growth boundary that concerns:

- (a) The approval or denial of a subdivision or partition plan, as described in ORS 92.040(1).
- (b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review.

Does not mean a final decision made by Lane County pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

~~(21)~~**(20)**      **Ministerial.** An action or decision based on clear and objective standards and criteria where no discretion by the approval authority is required.

~~(22)~~**(21)**      **Owner.** A person on the title to real property as shown on the latest assessment records in the office of the Lane County Tax Assessor. Owner also includes a person whose name does not appear in the latest tax assessment records, but who presents to the County a recorded copy of a deed or contract of sale signed by the owner of record as shown in the Lane County Tax Assessor's records.

~~(23)~~**(22)**      **Party.** With respect to actions under this chapter, the following persons or entities are defined as parties:

- (a) The applicant;
- (b) Any owner of the subject property that is the subject of the decision under consideration in accordance with this chapter; and
- (c) A person who makes an appearance before the approval authority or hearing authority.

~~(24)~~**(23)**      **Permit.** A discretionary approval of a proposed development of land under ORS 215 or county legislation or regulation adopted in accordance with ORS 215.

"Permit" does not include:

- (a) A building permit;
- (b) A limited land use decision as defined in ~~ORS 197.015~~**LC 14.015(19)**;

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- (c) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;
- (d) A decision which determines final engineering, design, construction, operation, maintenance, repair, or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or
- (e) An expedited land division, as described in ORS 197.360.

~~(25)~~(24) **Person.** Any individual, partnership, corporation, limited liability company, association, governmental subdivision or agency or public or private organization of any kind.

~~(26)~~(25) **Planning Commission.** The Planning Commission of Lane County, Oregon.

~~(27)~~(26) **Quasi-judicial.** A land use action or decision that is not ministerial or legislative that requires discretion or judgment in applying the standards or criteria of this Code to an application for approval of a development or land use proposal.

~~(28)~~(27) **Received.** Acquired by or taken into possession by the Director.

#### 14.020 General Provisions

(1) **Effect of Informal Interpretation.** Any statement, interpretation, or determination provided by the department that is not in writing, or that is made outside of a Type I, II, III, or IV procedure in accordance with this chapter, is considered to be only a statement of opinion and not a final action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, to any party.

(2) **Pre-Application.** A pre-application conference is not a requirement of any application, but may be requested for a fee, where a project involves the need for multiple land use applications or for large scale or highly complex development projects. The purpose of the pre-application conference is to acquaint persons with the requirements of Lane Code, the applicable comprehensive plan, and other related documents prior to application. In no case will a pre-application conference or information provided therein be guaranteed to provide an exhaustive review of potential issues associated with any project nor will it preempt the enforcement of applicable regulations.

#### (3) Submission of Materials

- (a) **General.** The submission of any materials by any party including application materials, supplemental information, written comments, testimony, evidence, exhibits, or other documents that are entered into the record of any land use application must be submitted either at the offices of the Director or at a public hearing, unless specified otherwise by the hearing notice or hearing authority prior to the close of the record. Materials are considered submitted when received, or in the case of materials submitted at a public hearing, placed before the hearing authority. ~~Where any materials including both hard and electronic copies are submitted to the offices of the Director and are subject to a date certain deadline, the materials must be received by the Director by the end of business.~~

**(b) Electronic Materials.**

~~(b) —When application or appeal materials submitted in hard copy format are over five pages in length, an applicant or appellant must provide an identical electronic version of the submitted materials in addition to a hard copy. When electronic materials over five pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.~~

(i) Any other party submitting written materials into the record that are over five pages is also encouraged to submit an identical electronic copy. Any electronic materials must be in a format acceptable to the Director. This provision should not be interpreted to prohibit electronic submittals of materials less than five pages in length. The County will scan submitted materials upon request for fee. The County cannot be held responsible for electronic submittals that are not received by the Director or not confirmed by the Director to have been received.

(ii) **When electronic materials over five pages in length are submitted by any party for inclusion in an application record, an identical hard copy of the materials must also be submitted unless this requirement is waived by the Director.**

(c) **Deadline. Where any materials including both hard and electronic copies are submitted to the offices of the Director and are subject to a date-certain deadline, the materials must be received by the Director by the end of business.**

(4) **Time Computation.** Except for application completeness review and processing timelines prescribed by LC 14.050, time periods prescribed or allowed by this chapter will be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or a legal holiday or any day on which the Director's office is not open for business.

#### 14.030 Procedure Types and Application Processing

(1) **Procedure Types.** Application review will follow either a Type I, II, III, or IV procedure, set forth in subsections (a) through (d) below:

**(a) Type I Procedure**

(i) **Overview.** The Type I procedure involves the ministerial review of an application based on clear and objective standards and criteria. Uses or development evaluated through this process are those that are permitted outright in the applicable zone. **In general,** potential impacts of the proposed development have been already recognized through the adoption of County standards. The Type I procedure does not require interpretation or exercise of policy or legal judgement when evaluating development standards and criteria. A Type I determination is made by the Director without public notice or a hearing. A Type I determination may not be appealed at the County level except as otherwise provided in Lane Code.

The Type I procedure applies to a variety of applications including, but not limited



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to, a land use compatibility statement (LUCS), declaratory ruling, verification of conditions, final partition or subdivision plat, floodplain verification, or floodplain fill or floodplain development permit, and timeline extensions.

- (ii) **Elective Type II.** In instances when an applicant seeks notice of a Type I determination, the applicant may request to process the request by making application for a Type II procedure.
- (iii) **Review and Determination.** Upon accepting a Type I application, the Director will review the application for compliance with all applicable land use standards and regulations and adopted plans.
- (iv) **Effective Date of Determination.** A Type I determination is final on the date it is signed by the Director. Within five days of the determination date, the applicant and property owner will be mailed a copy of the determination.

**(b) Type II Procedure**

- (i) **Overview.** The Type II procedure involves the Director's interpretation and exercise of discretion when evaluating approval standards and criteria. Uses or development evaluated through this process are ~~typically uses that are~~ conditionally permitted ~~uses or~~ **allowed after Director review** that may require the imposition of conditions of approval to ensure compliance with development standards and approval criteria. Type II decisions are made by the Director, ~~after~~ **in some cases after public notice of application and opportunity to comment.** Type II decisions may be appealed.

The Type II procedure applies to a variety of applications including, but not limited to review of applications for: permitted uses subject to standards, conditional use permits, and tentative partition and subdivision applications made pursuant to LC Chapter 13.

- (ii) **Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type II applications will be reviewed in accordance with the following **procedures:**
  - (aa) Notice of application will be mailed if required or elected by the Director or applicant, as provided in LC 14.060(1).
  - (bb) At the conclusion of the comment period specified by the notice of application, or upon determination of application completeness if notice of application is not required or elected by the Director or applicant, the Director will review the application and written comments and prepare a written decision stating whether the application is approved, approved with conditions, or denied. The Director's decision will state the facts relied upon in rendering the decision. Approval or denial of an application must be based on applicable standards and criteria.
  - (cc) Notwithstanding subsection (1)(b)(ii)(aa) and (bb), the Director may elect to process a Type II application through a Type III procedure in accordance with



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the provisions at subsection (1)(c) below if the application raises one or more of the following issues :

- (A) An application raises an issue which is of countywide significance.
  - (B) An application raises an issue which will reoccur with frequency on which policy guidance is needed.
  - (C) An application involves a significant impact to an inventoried Goal 5 resource based upon evidence provided by a state or federal agency, or by a private professional with expertise in the field of the resource of concern.
  - (D) An application involves an existing use for which a compliance action is pending or with which a significant level of opposition is anticipated.
  - (E) An application involves opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations.
  - (F) An application involves a contemplated use ~~which~~ **that** would be a different kind of use than the uses of nearby properties and the owners of three or more nearby properties object to the use or request a hearing.
  - (G) An application involves a contemplated use ~~which~~ **that** would result in a significant level of new commercial or industrial traffic, or ongoing truck traffic, on local roads in a residentially zoned area, or the introduction of noise, odors or dust into a residentially zoned area.
  - (H) At the discretion of the Director, if an applicant requests a Type III procedure and pays the additional required fee.
- (dd) The Director will mail notice of a Type II decision in accordance with LC 14.060. Notice of decision should be mailed within two days.
- (ee) Appeals of Type II decisions may be made in accordance with the procedures at LC 14.080.

- (iii) **Effective Date of Decision.** A Type II decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed in accordance with LC 14.080. If the Director's decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

**(c) Type III Procedure**

- (i) **Overview.** The Type III procedure involves interpretation and exercise of discretion when evaluating approval standards and criteria. Applications subject to a Type III procedure are more complex and development impacts may be more significant than Type II applications, warranting review through a public hearing. The Type III procedure involves public notice, a public hearing, decision by the

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Hearings Official unless otherwise specified by LC Chapter 16, and an opportunity for appeal under LC 14.080.

- (ii) **Review and Decision.** Upon determination of completeness required by LC 14.050(1), Type III applications will be reviewed in accordance with the following procedures.
  - (aa) Notice of public hearing will be mailed, and as required, posted and published, as provided in LC 14.060.
  - (bb) The Hearings Official will conduct a public hearing, in accordance with the applicable hearing procedures found at LC 14.070.
  - (cc) To the extent possible, the Hearings Official should issue to the Director a written decision and findings within 10 days of close of the hearing record and identify parties to the proceeding.
  - (dd) The Director will mail notice of the decision in accordance with LC 14.060. Notice of decision should be mailed within two days of issuance of the Hearings Official decision.
  - (ee) Appeals of Type III Hearings Official decisions may be made in accordance with pursuant to the procedures at LC 14.080.
- (iii) **Effective Date of Decision.** A Type III decision becomes final 12 days after the date the Director mails the notice of decision unless the decision is appealed in accordance with LC 14.080. If the decision is appealed, the effective date of the decision will be the date on which all County appeals are finalized or withdrawn.

(d) **Type IV Procedure**

- (i) **Overview.** The Type IV procedure applies to the creation, revision, or broad-scale implementation of public policy, land use regulations, the comprehensive plan, or zoning maps, except that a change to zoning map independent of a post-acknowledgement plan amendment is subject to a Type III procedure. The Type IV procedure also includes plan diagram or policy amendments affecting specific properties. The Type IV procedure involves the evaluation of subjective review criteria and plan policies, public notice, a hearing before the Planning Commission and Board, final decision issued by the Board, and an opportunity to appeal. For a property specific Type IV application, hearings before the Planning Commission and Board will be quasi-judicial and the County is not required to render a final decision on these matters within the timelines of LC 14.050. A Type IV quasi-judicial application may be initiated by an owner or authorized agent according to LC 14.040. The Director may initiate a ~~legislative~~ **Type IV** application without a privately-initiated application.
- (ii) **Review and Decision.** Upon determination of completeness, Type IV applications will be reviewed in accordance with the following procedures.
  - (aa) Notice of Type IV public hearings will be mailed and published as provided in

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LC 14.060. Additionally, for a Type IV quasi-judicial application that concerns a specific property or properties, the applicant must post notice on the subject property and the County must mail notice of a Type IV quasi-judicial application in accordance with LC 14.060.

- (bb) The Planning Commission will conduct a public hearing in accordance with the applicable procedures at LC 14.070 and make a recommendation to the Board.
- (cc) The Board will conduct a public hearing in accordance with the applicable procedures at LC 14.070 and will issue a decision after considering the staff report, Planning Commission recommendation and public comment, and deliberating on the matter.
- (dd) The Director will mail notice of the Board's decision in accordance with LC 14.060. Notice of a Type IV land use decision will be mailed to the applicant, all parties, and the Department of Land Conservation and Development within 20 days after the Board **makes the** decision ~~is filed with the Director~~. The Director will also provide notice to any person as required by other applicable laws.
- (ee) Appeals of final land use decisions issued by the Board may be appealed in accordance with the procedures in LC 14.080.

(iii) **Final Decision and Effective Date of Decision.** A decision on a Type IV application is final when reduced to writing, signed and mailed to those entitled to notice of decision. If approved, the decision will take effect on the effective date of the enacting ordinance. If a Type IV ordinance is appealed, the effective date will be delayed until the proceedings before the Land Use Board of Appeals or the appellate courts have been completed and any County remand proceedings have been concluded and a new effective date determined via an ordinance approving the application.

(2) **Consolidated Review of Applications.** When an applicant files more than one application concurrently for the same property or tract of land, the applicant may elect to consolidate the review of the concurrent applications. When review of concurrent applications subject to different procedure types is consolidated, all of the applications will be reviewed under the highest procedure type. When proceedings are consolidated, required notices may be consolidated, provided the notice identifies each application and cites their respective review criteria. When more than one application is reviewed, findings of fact must address each application and a decision must be made on each application.

(3) **Limited Land Use Decision Procedure (only within UGBs).** All applications for limited land use decisions must be reviewed and decided by the Director through a Type II procedure and are also subject to the following requirements:

- (a) Notice of application must be mailed in accordance with LC 14.060(1)(a).
- (b) Approval or denial of an application for a limited land use decision must be based upon and accompanied by a brief statement that explains the standards and criteria

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considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the standards, criteria, and facts set forth.

- (c) A limited land use decision by the Director may be appealed to the Hearings Official in accordance with LC 14.080.

#### **14.040 Application Requirements**

- (1) Minimum Submittal Requirements.** Applications for a Type I through Type IV procedure must be submitted on a form provided by the Director, address all applicable standards and criteria, and include the following materials and information:
  - (a) Applications must include at least one hard copy of all application materials, no larger than 11 inch x 17 inch in size, and an electronic copy if required by LC 14.020(3)(b);
  - (b) All applicable information requested on the application form;
  - (c) Required filing fee, except that the required filing fee may not be required when Lane County initiates an application;
  - (d) Signature of each applicant;
  - (e) Signature of a property owner or property owner's authorized representative;
  - (f) Proof of property ownership by providing a certified or recorded copy of a deed, or land sale contract, or Lane County Tax Assessor's records;
  - (g) Assessor's map and tax lot number of the subject property;
  - (h) A site plan drawn to a standard engineer's scale, and conforming to the County's site plan submittal standards;
  - (i) Information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property;
  - (j) A written narrative clearly indicating what action is requested and addressing all applicable standards and criteria;
  - (k) Supporting information required to evaluate the application and address the applicable standards and criteria;
  - (l) A written statement indicating whether a railroad-highway crossing provides or will provide the only access to land that is the subject of an application; and
  - (m) Additional information needed to evaluate applicable standards and criteria.
- (2) Fees Required.** In addition to any other applicable approval criteria, an approvable Type II or III application must be accompanied by the appropriate filing fee unless the Director authorizes a waiver or reduction to filing fees pursuant to Lane Manual Chapter 60.850.

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- (3) **Determination of Application Requirements.** The Director may waive any of the requirements of subsection (1) above if deemed to be inapplicable to the application.
- (4) **Applicant's Burden.** It is the applicant's responsibility to provide evidence demonstrating that the application complies with all applicable standards and criteria.
- (5) **Modification of Application.** Once an application is deemed complete, an applicant may modify an application subject to the following provisions:

**(a) Applicability.**

- (i) A modification of application is a procedure required when an applicant submits:

- (aa) ~~A~~ additional or revised application materials that include a new or substantially revised site plan; or
- (bb) ~~written~~ **Written** materials that include or require substantial new findings of fact.

- (ii) A modification of application does not ~~include~~ **apply to:**

- (aa) ~~A~~ an applicant's submission of new evidence **or proposed conditions of approval** that merely clarify ~~ies~~ or supports ~~s~~ the pending application;
- (bb) **Reductions to the scope of the project to mitigate project impacts where such reductions do not involve the siting of proposed development closer to adjoining properties or Goal 5 inventoried resources, or relocation of the proposed access or circulation pattern;**  
**or**

- ~~(a)(cc)~~ ~~and does not apply to~~ Type I applications.

- (b) **Requirements.** The Director or hearing authority will not consider information submitted by or on behalf of an applicant that would constitute a modification of application unless the applicant first submits a request that complies with the following:

- (i) The request includes:

- (aa) A completed application form that has been signed by the applicant and owner, and that describes the modification of application requested;
- (bb) The required fee;
- (cc) Any modified application materials; and
- (dd) Written authorization for an extension of applicable timelines pursuant to LC 14.050(2) that is effective as of the date the modification of application is submitted and that corresponds with the amount of time calculated between the date of application completeness and the date of the modification of application request. Any such timeline extension must also comply with

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subsection (5)(b)(ii) below.

- (ii) The applicable time limit for final review for an application may be extended as many times as there are modification of applications submitted, subject to the limitations, exceptions, and clarifications in ORS 215.427. The total of all extensions may not exceed 215 days per ORS 215.427(5).
- (iii) The modification of application may be submitted up until the issuance of a Type II Director decision, or close of the open record period allowing submittal of new information for an application reviewed under a Type III or IV hearing procedure, but in no case may it be submitted later than the 215<sup>th</sup> day after the date the application was deemed complete.

**(c) Procedure.**

- (i) A modification of application will be processed under the same procedure type as the original application.
- (ii) The Director or hearing authority may require additional notice and if applicable, public hearing.
- (iii) For Type II applications that do not involve a public hearing, or for procedure types requiring public hearing up until the date and time a hearing is opened for receipt of oral testimony on an application, the Director will have the sole authority to determine whether an applicant's submittal constitutes a modification of application. After such time for procedures that involve a public hearing, the hearing authority will make such determinations. The determination of whether a submittal constitutes a modification of application will be appealable only after a decision is entered on the application.

**(6) New Application.** If an application is modified in such a manner that approval for a different land use is requested or a different set of approval criteria or development standards apply, a new application will be required. The new application will be subject to all submittal and processing requirements of this Chapter applicable to the procedure type.

~~(6)~~

**14.050 Completeness Review and Time Limits**

**(1) Type II or III Completeness Review.** Within 30 days of a Type II or Type III application being received, the Director will evaluate the application for completeness in accordance with subsections (a) through (e) below.

- (a) An application submitted to the Director will not be considered accepted solely because of having been received. Upon receipt of an application, the Director will date stamp the application and verify that the appropriate application fee and materials have been submitted before accepting the application. Acceptance of an application will not preclude a later determination that the application is incomplete.
- (b) Applications will be evaluated for completeness with applicable application requirements



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of LC 14.040.

- (c) **Supplementation of Application within First 30 days of Submittal.** An applicant may not submit any supplemental information for an application within the first 30 days following acceptance of the application or until the application has been deemed complete, whichever is first, except when requested or otherwise authorized by the Director. Any supplemental information submitted by an applicant in violation of this section will not be considered in determining whether the application is complete and will be returned to the applicant.
  - (d) **Complete Application.** An application will be deemed complete if the application requirements have been fully satisfied upon initial filing or through the procedures set forth in subsection (1)(e)(i) - (iii) below. When the Director deems the application complete, the Director will notify the applicant in writing. If the Director has not issued in writing a completeness determination within 30 days from the date the application is received by the Director, the application is automatically deemed complete on the 31<sup>st</sup> day after it was received.
  - (e) **Incomplete Application.** If an application is incomplete, the Director will notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information within the timeframe set forth in subsection (1)(f) below. The application will be deemed complete upon receipt by the Director of:
    - (i) All of the missing information;
    - (ii) Some of the missing information and a written notice from the applicant that no other information will be provided; or
    - (iii) Written notice from the applicant that none of the missing information will be provided.
  - (f) **Void Applications.** On the 181st day after first being submitted, an incomplete application is void if the applicant has been notified of missing information and the application has not been deemed complete in accordance with subsection (1)(e)(i) - (iii) above.
  - (g) **Applicable Standards and Criteria.** If an application was complete when first submitted or the applicant submits additional information in accordance with subsection (1)(e) above within 180 days of the date the application was first submitted, review of the application will be based upon the standards and criteria that were applicable at the time the application was first submitted.
- (2) **Time Limit.** Subject to the limitations, exceptions and clarifications in ORS 215.427 and except as provide in subsection (1) above, the County must take final action, including resolution of all appeals under ORS 215.422, within the timelines set forth in subsections (2)(a) to (d) below. Violation of these timelines does not constitute a procedural error by the County, but provides the applicant with the remedy set forth in ORS 215.429.
- (a) For land within an urban growth boundary and applications for mineral aggregate

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extraction the County must take final action on an application for a permit, limited land use decision, or zone change, within 120 days after the application is deemed complete.

- (b) For applications for new telecommunication towers or collocations, the County must take final action within any applicable time limit set forth by the Federal Communications Commission or within a timeframe mutually agreed upon by the County and the applicant in accordance with FCC ruling, as applicable.
- (c) For all other applications, the County must take final action within 150 days after an application for a permit, **limited land use decision, or zone change** is deemed complete.
- (d) The time periods specified in subsection (2)(a) and (c) above may be extended for a specified time period at the written request of the applicant, subject to the limitations of ORS 215.427(5).
- ~~(d)~~(e) **The time periods in subsection (2)(a) and (c) do not apply to a Type IV decision changing an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.**

#### 14.060 Notice Requirements

##### (1) Notice of Application

- (a) **Special Notice for Limited Land Use Decision**~~Notice of Application Required~~. For a limited land use decision, written notice of the application must be mailed to owners of property within 100 feet of any part of the tract for which the application is made and to any neighborhood or community organization recognized by the Board and whose boundaries include the site, and to any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action. The notice must provide at least a 14 day period for submission of written comments prior to the decision. The notice must include the information required by subsection (5).
- (b) ~~Discretionary~~**Optional**~~Notice of Application~~. Notice of a Type II application may be mailed in accordance with subsections (4) and (5) below. Notwithstanding subsections (4) and (5) below, the Director may choose to mail notice of the application only to affected governmental agencies. The notice will provide at least a 15 day period for submission of written comments prior to the decision. This provision does not preclude an applicant's ability to request notice of application.
- (c) **Special Notice and Review Requirements for a Dwelling in the EFU Zone**. For an application for a dwelling on EFU-zoned land in accordance with LC 16.212(7)(g), the Director must provide notice of application consistent with the following.
  - (i) The notice of application must be mailed in accordance with subsections (4) and (5) below and to:
    - (aa) Owners of land that is within ~~250~~**750** feet of the lot or parcel on which the



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dwelling will be established; and

- (bb) Any person who requested notice of such applications and who paid a reasonable fee established by the County to cover the cost of such notice.
  - (ii) The notice required under this section must specify that there are 15 days following the date of the postmark of the notice to file a written objection on the grounds only that the dwelling or activities associated with it would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands devoted to farm use.
  - (iii) If no objection based on the grounds identified in subsection (1)(c)(ii) above is received within 15 day notice period, the Director must approve, approve with conditions, or deny the application. If an objection is received based on the grounds identified in (1)(c)(ii) above, the Director must set the matter for a hearing and process the application through a Type III procedure.
  - (iv) The costs of the notice required by subsection (1)(c)(i) of this section may be charged to the applicant.
- (d) **Special Notice to Railroad Company upon Certain Applications for Land Use Decision, Limited Land Use Decision or Expedited Land Use Decision**
- (i) As used in this section, the term "railroad company" includes every corporation, company, association, joint stock association, partnership or person, and their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, controlling or managing any railroad.
  - (ii) The Director must provide notice of application, in accordance with the timelines established in this section in accordance with subsections (4) and (5) below to the Oregon Department of Transportation and the railroad company if the applicant indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application for a land use decision, limited land use decision, or expedited land division.
- (e) **Timing of Notice of Application.** Notice of application provided pursuant to subsection (1)(a) to (d) will be mailed after determination that the application is complete in accordance with LC 14.050(1).

## (2) Notice of Public Hearing

- (a) **Mailed Notice for a De Novo Hearing.** Mailed notice of a de novo public hearing containing the information required by subsection (5) below will be provided as follows:
- (i) **Type III.** The Director must mail notice of hearing on a Type III application at least 20 days prior to the public hearing date. Notice of public hearing will be mailed to the persons and agencies listed in subsection (4) below.
  - (ii) **Type IV.** At least 20 days before the date of the first Type IV public hearing, notice of public hearing will be mailed to:

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- (aa) The applicant;
  - (bb) Each owner whose property would be directly affected by the proposal.
  - (cc) Any affected governmental agency;
  - (dd) To any transportation agencies, such as Oregon Department of Transportation, whose facilities or services may be affected by the proposed action; and
  - (ee) Any person who requests notice in writing of a specific application.
  - (ff) For a Type IV quasi-judicial application, notice must be mailed to the persons and agencies listed at subsection (4)(a).
- (b) **Mailed Notice for an On the Record Hearing.** Mailed notice of an on the record hearing will be provided as follows:
  - (i) The Director must mail notice of an on the record hearing at least 10 days prior to the hearing date. Notice of hearing will be mailed to:
    - (aa) Applicant;
    - (bb) Property owner;
    - (cc) Appellant (if applicable); and
    - (dd) Any party to the application.
  - (ii) The notice will include the information required by subsection (5) below as applicable, a statement regarding the purpose of the hearing and whether additional limited testimony under LC 14.080(4)(d)(vii) will be allowed or limited to the record, and the names of parties who may participate in the Board hearing.
- (c) **Remand Notice.** Notice of a Land Use Board of Appeals (LUBA) remand hearing conducted pursuant to Lane Code 14.100 will be provided as follows:
  - (i) The Director must mail notice of a remand hearing at least 10 days prior to hearing.
  - (ii) Notice of the hearing will be mailed to:
    - (aa) Applicant;
    - (bb) Property owner;
    - (cc) Parties to the application who appeared before the approval authority that issued the previous final County decision; and
    - (dd) Any petitioner, respondent, or intervenor of the LUBA appeal.
  - (iii) The notice will include the information required by subsection (5) below as

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applicable, a description of specific issues identified in the remand final order as the basis for the remand, and a statement indicating whether any additional testimony and evidence may be submitted and if so, ~~whether that~~ additional testimony and evidence must be limited to specific issues identified **in the remand final order**.

**(d) Posted Notice**

- (i) For Type III and IV applications that involve a specific property or properties, at least 14 days before the first hearing, not including an appeal hearing, the applicant must post a notice of the hearing on the subject property in clear view from a public right-of-way where feasible. Posted notice must be on a sign provided by the Director. The design of the sign will be prescribed by the Director, but must be at least 22 inches by 28 inches in size and have a brightly colored background. The posted notice will contain the following information:
  - (aa) Identification of the hearing authority
  - (bb) Time, date, and location of the first hearing;
  - (cc) Department file number;
  - (dd) General nature of the proposal; and
  - (ee) Where more information may be obtained.
- (ii) Prior to the public hearing, the applicant must submit to the Director an affidavit of posting indicating that the notice was posted in accordance with this subsection.
- (iii) The applicant must remove and lawfully dispose of the sign within 14 days of the close of the public hearing.

**(e) Published Notice of Hearing**

- (i) At least 21 days before the first hearing for zone change and/or plan amendment application, the Director must publish notice of the hearing in a newspaper of general circulation. The notice provisions of this section does not restrict the giving of notice by additional means, including mail, radio, and television. The published notice will contain the same information required in subsection (5)(d) below as applicable.
- (ii) For an on the record hearing on a zone change, published notice must be provided in the same manner as described above, except that notice must be published at least 10 days before the first on the record hearing.

**(3) Notice of Decision.** A notice of a decision will be mailed to the persons identified in (4) below. The notice of decision will contain the information identified in (5) below.

**(4) Mailing List**

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- (a) When notice of an application is sent in accordance with LC 14.060(1)(b) above, **and for notice of** a Type II decision, a Type III hearing, or a Type IV quasi-judicial hearing, notice will be mailed to the following persons:
- (i) Applicant;
  - (ii) Property owner;
  - (iii) Appellant (if applicable);
  - (iv) Owners of record of properties on the most recent property tax assessment roll where such property is located:
    - (aa) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
    - (bb) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
    - (cc) Within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
  - (v) Any neighborhood group or community organization recognized by the governing body as specified in Lane Manual Chapter 3 and whose boundaries include the site;
  - (vi) Any person who submits a written request to receive a notice of the specific application; ~~or~~
  - ~~(vi)~~(vii) **Any person who requests and remits payment for an annual subscription for notice per Lane Manual for a** specific type of application involved;
  - ~~(vii)~~(viii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the County and any other affected governmental agencies. At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate a permit or land use decision issued by the Director or Hearings Official; and
  - ~~(viii)~~(ix) For a notice of decision, appeal, or Type IV hearing: any person who appeared either orally or in writing before the approval authority or prior hearing authority.
- (b) A notice of a Type IV legislative hearing or Type III or IV decision must be mailed to the following persons:
- (i) Applicant;

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- (ii) Property owner (if applicable);
  - (iii) Appellant (if applicable);
  - (iv) Any party to the application;
  - (v) Any person who submits a written request to receive a notice of the specific application or specific type of application involved; **and**
  - (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the ~~county~~ **County** and any other affected governmental agencies. At a minimum, the Director will notify the road authority if different than Lane County. The failure of another agency to respond with written comments on a pending application will not invalidate an action or permit approval made by the hearing authority under this Code; ~~and~~
- ~~Any person who appeared either orally or in writing before the approval authority or prior hearing authority.~~

(5) **Mailed Notice Content.** Any mailed notice of application, decision, or public hearing must contain information in subsection (5)(a) below, and where applicable, the additional information specified in subsection (5)(b) through (e).

**(a) Minimum Content Required**

- (i) Identification of the application by department file number;
- (ii) Identification of the property owner, and if different than the owner, the applicant and/or the applicants or owners authorized representative;
- (iii) Identification of appellant (if applicable);
- (iv) Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property and any contiguous properties in the same ownership;
- (v) Explanation of the nature of the application and the proposed use or uses which could be authorized by the decision;
- (vi) List of the applicable standards and criteria, by commonly used citation, from the applicable comprehensive plan that apply to the application and ~~decision~~;
- (vii) Name, phone number, and email of the department representative to contact to obtain additional information;
- (viii) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable standards and criteria, and a copy of any staff report are available for inspection at no cost and copies will be provided at reasonable cost; and

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- (ix) Statement that "NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE FORWARDED TO THE PURCHASER."
- (b) **Additional Content for Notice of Application.** In addition to ~~all of~~ the information required by subsection (5)(a) above, a mailed notice of application for a Type II application must contain the following information:
- (i) Place, date, and time that comments are due;
  - ~~(i)~~(ii) **A general explanation of the requirements for submission of testimony;**
  - ~~(ii)~~(iii) State that issues ~~which~~ **that** may provide the basis for an appeal must be raised in writing with sufficient specificity to enable the Director to respond to the issue prior to the expiration of the comment period; and
  - ~~(iii)~~(iv) Statement that after the close of the comment period, the Director will issue and provide notice of the decision to persons who provided written comments or are otherwise legally entitled to notice of decision.
- (c) **Additional Content for Notice of Limited Land Use Application.** In addition to ~~all of~~ the information required by subsection (5)(a) and (b)(i)-(ii) above, a mailed notice of application for a limited land use decision must provide a brief summary of the local decision making process for the limited land use decision being made.
- (d) **Additional Content for Notice of Public Hearing.** In addition to ~~all of~~ the information required by subsection (5)(a)(i)-(ix) above, mailed notice of public hearing must contain the following information:
- (i) The time, date, and location of the hearing;
  - (ii) Identification of which hearing authority will conduct the public hearing;
  - (iii) A statement that failure to raise an issue in a hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes the ability to appeal to the Land Use Board of Appeals on that issue;
  - (iv) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided upon request at a reasonable cost; and
  - (v) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- (e) **Additional Content for Notice of Decision.** In addition to ~~all of~~ the information required by subsection (5)(a) above, a mailed notice of decision must contain the information listed below. The notice may be a summary, provided it references the specifics of the proposal and the conditions of approval in the record.

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- (i) Description of the nature of the decision;
- (ii) Statement of where a copy of the decision can be obtained;
- (iii) Statement of how to appeal the decision;
- (iv) Deadline for an appeal;
- (v) Date the decision will become final, unless appealed; and
- (vi) For a Type II decision:
  - (aa) Statement that the decision will not become final until the period for filing a local appeal has expired;
  - (bb) Statement that any person who is adversely affected or aggrieved or who is entitled to notice of decision may appeal the decision by filing a written appeal; and
  - (cc) Statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals.

- (6) **Additional Notice.** Mailed, posted, or published notice may be provided that exceeds the requirements of this chapter. The requirements for notice must not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Director for any reason.

#### 14.070 Public Hearings Process

- (1) **Staff Report.** At least seven days prior to a public hearing, the Director will provide a staff report to the hearing authority and parties to the application, and make it available to the public upon request. If the report is not provided by such time, the hearing will be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date certain that is at least seven days after the date the staff report is provided. The granting of a continuance under these circumstances will be at the discretion of the hearing authority.

#### (2) Personal Conduct

- (a) No person may be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- (b) No person may testify without first receiving recognition from the hearing authority and stating their full name and address.
- (c) No person may present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- (d) Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing are not permitted. Any such conduct may be cause for



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immediate suspension of the hearing or removal of the offender from the hearing.

- (3) **Limitations on Oral Presentations.** The hearing authority may set reasonable time limits on oral testimony.
- (4) **Appearing.** Any interested person may appear either orally before the close of a public hearing or in writing before the close of the written record, except that for an on the record hearing, persons who may appear are limited to those described at LC 14.080(4)(d)(vii). Any person who has appeared in the manner prescribed in LC 14.080(4)(d)(vii) will be considered a party to the proceeding.
- (5) **Disclosure of Ex Parte Contacts**
- (a) Any member of a hearing authority for a quasi-judicial application must reasonably attempt to avoid ex parte contact. As used in this section, ex parte contact is communication directly or indirectly with any party or their representative outside of the hearing in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should a hearing authority member engage in ex parte contact, that member must:
- (i) Publically announce for the record at the hearing the substance, circumstances, and parties to such communication;
- (ii) Announce that other parties are entitled to rebut the substance of the ex parte communication during the hearing; and
- (iii) State whether they are capable of rendering a fair and impartial decision.
- (b) If the hearing authority or member thereof is unable to render a fair and impartial decision, or recommendation in the case of the Planning Commission, they must recuse themselves from the proceedings.
- (c) Communication between the Director and the hearing authority or a member thereof is not considered an ex parte contact.
- (6) **Disclosure of Personal Knowledge.** If any member of a hearing authority uses personal knowledge acquired outside of the hearing process in rendering a decision, they must state the substance of the knowledge on the record.
- (7) **Site Visit.** For the purposes of this section, a site visit by any member of a hearing authority will be deemed to be personal knowledge. If a site visit has been conducted, the hearing authority member must disclose their observations and conclusions gained from the site visit.
- (8) **Challenge for Bias, Prejudgment, or Personal Interest.** Prior to or at the commencement of a hearing, any party may challenge the qualification of any member of the hearing authority for bias, prejudgment, or personal interest. The challenge must be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, that hearing authority member must either recuse themselves from the proceedings, or make a statement on the record that they can make a fair and impartial decision and will hear and rule on the matter.



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- (9) **Potential Conflicts of Interest.** No member of the hearing authority may participate in a hearing or a decision upon an application when the effect of the decision would be to the private pecuniary benefit or detriment of the member or the member's relative or any business in which the member or a relative of the member is associated unless the pecuniary benefit arises out of:
- (a) An interest or membership in a particular business, industry occupation or other class required by law as a prerequisite to the holding by the member of the office or position;
  - (b) The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged; or
  - (c) The decision, or recommendation in the case of the Planning Commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged.
- (10) **Qualification of a Member of the Hearing Authority Absent at a Prior Hearing.** If a member of the hearing authority was absent from a prior public hearing on the same matter which is under consideration, that member will be qualified to vote on the matter if the member has reviewed the record of the matter in its entirety and announces, prior to participation that this has been done. If the member does not review the record in its entirety, that member must not vote and must abstain from the proceedings.
- (11) **Hearing Authority's Jurisdiction.** In the conduct of a public hearing, the hearing authority will have the jurisdiction to:
- (a) Regulate the course, sequence and decorum of the hearing.
  - (b) Decide procedural requirements or similar matters consistent with this chapter.
  - (c) Rule on offers of proof and relevancy of evidence and testimony and exclude repetitious, immaterial, or cumulative evidence.
  - (d) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony.
  - (e) Take such other action appropriate for conduct of the hearing.
  - (f) Grant, deny, or in appropriate cases, attach such conditions to the matter being heard to the extent allowed by applicable law and that may be necessary to comply with the applicable approval criteria or in appropriate cases, formulate a recommendation for the Board.
  - (g) Continue the hearing to a date certain as provided at LC 14.070(17).
  - (h) Allow the applicant to withdraw **and cancel** the application. Subsequent to the

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~~application withdrawn~~**cancellation of the application**, **if the applicant wishes to proceed with the same or different proposal requiring a land use application**, ~~any a~~ new application ~~for the same property must be~~**may be** submitted and **the new application must be** reprocessed in compliance with **all** the provisions of this chapter.

(12) **Hearing Procedures.** At the commencement of a hearing, the hearing authority must state to those in attendance all of the following information and instructions:

- (a) Date of the hearing;
- (b) Department file number;
- (c) Nature, ~~and purpose~~, **and type** of the hearing, ~~and whether the hearing is a de novo hearing, an on the record hearing, or a LUBA remand hearing;~~
- ~~(c)(d)~~ **(d)** ~~.If the hearing is an on the record hearing, state~~ **When applicable**, the parties that may participate in the hearing and ~~or the~~ issues to which the hearing is limited;
- ~~(d)(e)~~ **(e)** Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property, if applicable;
- ~~(e)(f)~~ **(f)** Order of the proceedings, including reasonable time limits on oral presentations by parties;
- ~~(f)(g)~~ **(g)** For a quasi-judicial application, a statement disclosing any pre-hearing ex parte contacts;
- ~~(g)(h)~~ **(h)** For a Type III or IV procedure, a statement disclosing any personal knowledge, bias, prejudgment, or personal interest on the part of the hearing authority;
- ~~(h)(i)~~ **(i)** Call for any challenges to the hearing authority's qualifications to hear the matter. Any such challenges must be stated at the commencement of the hearing, and the hearing authority must decide whether they can proceed with the hearing as provided in subsection (9) above;
- ~~(i)(j)~~ **(j)** List of the applicable approval standards and criteria for the application;
- ~~(j)(k)~~ **(k)** Statement that testimony, arguments, and evidence must be directed toward applicable approval standards and criteria, or other standards and criteria in the Lane County land use regulations or comprehensive plan that the person testifying believes to apply to the decision;
- ~~(k)(l)~~ **(l)** Statement that failure to raise an issue accompanied by statements or evidence with sufficient detail to give the hearing authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;
- ~~(l)(m)~~ **(m)** Statement that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the hearing authority to respond to the issue precludes an action for damages in circuit court;

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~~(m)~~**(n)** Statement that prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing authority must grant the request by either continuing the public hearing or leaving the record open for additional written evidence, arguments, or testimony in accordance with subsection (17) below; and

~~(n)~~**(o)** Statement that the decision of the approval authority may be appealed in accordance with LC 14.080.

**(13) Order of Proceeding.** In the conduct of a public hearing other than an on the record hearing, the following order of procedure will generally be followed. However, the hearing authority may modify the order of proceeding.

- (a)** The Director will present the staff report;
- (b)** The applicant will be heard first;
- (c)** Allow persons in favor of the proposal to be heard;
- (d)** Allow persons neither in favor or opposed of the proposal to be heard;
- (e)** Allow persons opposed to the proposal to be heard;
- (f)** Allow the Director to present any further comments or information in response to the testimony and evidence;
- (g)** Allow the applicant final rebuttal; and
- (h)** Conclude the hearing.

**(15) Questions.** The hearing authority at any point during the hearing may ask questions of the Director or parties. Questions by parties, interested persons, or the Director may be allowed by the hearing authority at their discretion. Questions must be directed to the hearing authority. Questions posed directly to the Director or any party are not allowed. The hearing authority may allow questions to be answered by the Director or a party if a question pertains to them. They will be given a reasonable amount of time to respond solely to the question.

**(16) Presenting and Receiving Evidence.** No oral testimony will be accepted after the close of the hearing. Written testimony may be received after the close of the hearing only in accordance with subsections (17) through (19) below.

**(17) Continuances and Leaving the Record Open.** If the hearing is an initial evidentiary hearing, prior to the conclusion of the hearing any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing authority must grant such request by continuing the public hearing in accordance with subsection (17)(a) below or leaving the record open for additional written evidence, arguments, or testimony in accordance with subsection (17)(b) below.

- (a)** If the hearing authority grants a continuance, the hearing must be continued to a date, time, and place certain that is at least seven days after the date of the initial evidentiary

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hearing. An opportunity must be provided at the continued hearing for persons to present and respond to new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.

- (b) If the hearing authority leaves the record open for additional written evidence, arguments, or testimony, the record must be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such request is filed, the hearing authority must reopen the record in accordance with subsection (19) below.
- (c) A continuance or leaving the record open (extension) granted under this section is subject to the applicable time limit for processing the application, unless the continuance or extension is requested or agreed to by the applicant, in which case the continuance or extension will result in a corresponding extension of the applicable time limit. A continuance or extension to the applicable timeline is subject to the total time limit set in LC 14.050(2).
- (d) Unless waived by the applicant, the hearing authority must grant the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application, excluding new evidence. The applicant's final rebuttal will be considered part of the record, but must not include any new evidence. This seven-day period will not be counted toward the applicable time limit for processing the application.
- (e) At the discretion of the Director, if prior to the initial public hearing, or at the discretion of the hearing authority if at the hearing, an applicant may receive a continuance upon any request for a continuance if accompanied by a corresponding extension of the applicable time limit subject to the total time limit set forth in LC 14.050(2), and the applicable fee.

**(18) Rescheduling.** In the event that a noticed public hearing must be rescheduled due to an emergency situation, the rescheduling of the meeting will constitute sufficient notice of a public hearing provided the following minimum procedures are observed:

- (a) Notice is posted on the door of the building in which the hearing is scheduled advising of the cancellation and the date, time, and place for the rescheduled meeting or that new notice will be sent indicating that new date, time, and place.
- (b) Reasonable attempts are made prior to the scheduled hearing to announce the cancellation and rescheduling by direct communication to applicants and known interested parties and through available news media to the general public.

**(19) Re-opening the Record.** When the hearing authority re-opens the record to admit new evidence, arguments, or testimony, the hearing authority must allow people who previously participated in the hearing to request the hearing record be re-opened, as necessary, to present evidence concerning the newly presented facts. Upon announcement by the hearing authority of their intention to take notice of such facts in its deliberations, any person may

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raise new issues which relate to the new evidence, arguments, testimony, or standards and criteria which apply to the matter at issue.

**(20) Record of the Hearing.** The hearing authority will consider only facts and arguments in the hearing record; except that it may consider laws and legal rulings not in the hearing record (e.g., local, state, or federal regulations; previous department decisions; or case law).

**(a)** The hearing record will include all of the following information:

- (i)** All oral and written evidence submitted to the hearing authority;
- (ii)** All materials submitted by the Director to the hearing authority regarding the application;
- (iii)** A recording of the hearing;
- (iv)** The final written decision; and
- (v)** Copies of all notices given as required by this chapter and correspondence regarding the application that the Director mailed or received.

**(b)** All exhibits presented will be kept as part of the record and marked to show the identity of the person offering the exhibit. Exhibits will be numbered in the order presented and will be dated.

**(21) Conclusion of Hearing**

- (a)** After the close of the hearing record, the hearing authority may either make a decision and state findings which may incorporate findings proposed by any party or the Director, or take the matter under advisement for a decision to be made at a later date. If the Planning Commission is the hearing authority, it will make a recommendation with findings to the Board in lieu of issuing a decision.
- (b)** The hearing authority may request proposed findings and conclusions from any party at the hearing. The hearing authority, before adopting findings and conclusions, may circulate them in draft form to parties for written comment.
- (c)** The decision and findings must be completed in writing and signed by the hearing authority within ten days of the closing of the record for the last hearing. A longer period of time may be taken to complete the findings and decision if the applicant provides written consent to an extension to any applicable timelines in which the County must process the application for an amount of time that is equal to the amount of additional time it takes to prepare the findings.

**(22) Decision and Findings Mailing.** Upon a written decision adopting findings being signed by the approval authority, the Director will mail to the applicant and all parties a copy of the decision and findings, or if the decision and findings exceed five pages, the Director will mail notice of the decision.

**14.080 Appeals**

- (1) **Appeal Filing Procedures.** Appeals ~~of Type II and III decisions may be filed under this section. Appeals must comply with~~ **are processed as follows: may be followed according to subsection (1)(a) through (c) below. The requirements of this section are jurisdictional and must be satisfied as a requirement for the Director to accept the appeal in accordance with subsection (2)(a).**

(a) **Who May Appeal.**

- (i) **A Type II decision issued by the Director for which a hearing has not been held may be appealed by:**

(aa) **A person who is entitled to written notice under LC 14.060; or**

(bb) **Any person who is adversely affected or aggrieved by the application;**  
**or**

- ~~(a)~~ (ii) **For other decisions, any party may appeal.**

- (b) **Time for Filing.** A notice of appeal in accordance with subsection (1)(c) below must be filed with the Director prior to the end of business on the 12<sup>th</sup> day after the date the notice of decision is mailed.

- (c) **Content of Notice of Appeal.** A notice of appeal must:

- (i) Be submitted in writing ~~to and~~ **on a form provided by the Director;**

- ~~(i)~~ (ii) **Be** received by the Director within the appeal period;

- ~~(ii)~~ (iii) Be accompanied by the required filing fee in all circumstances except as provided in subsection (3)(a)(iii) or (4)(c)(iv) below;

- ~~(iii)~~ (iv) Identify the decision being appealed, including the date of the decision and the department file number for the decision;

- ~~(iv)~~ (v) Include a statement demonstrating the person filing the notice of appeal is a party, ~~in accordance with~~ **if required by** subsection (1)(a) above;

- ~~(v)~~ (vi) Include a statement explaining the specific issues being raised on appeal **with sufficient specificity to afford the approval authority the opportunity to resolve each issue raised;**

- ~~(vi)~~ (vii) Provide an explanation with detailed support specifying one or more of the following as assignments of error or reasons for reconsideration;

(aa) The Director or Hearings Official exceeded their jurisdiction;

(bb) The Director or Hearings Official failed to follow the procedure applicable to the matter;

(cc) The Director or Hearings Official rendered a decision that is unconstitutional;

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(dd) The Director or Hearings Official misinterpreted the Lane Code or Lane Manual, state law or federal law, or other applicable standards and criteria; or

(ee) Reconsideration of the decision is requested in order to submit additional evidence not available in the record at the hearing and addressing compliance with relevant standards and criteria.

~~(vii)~~(viii) A notice of appeal of a Type III decision must also include the following:

(aa) Statement indicating whether the issue raised in the appeal to the Board was raised before the close of the record and whether the appellant wishes the application to be approved, denied, or conditionally approved. **Unless otherwise allowed by LC 14.080(4)(c)(ii), (c)(iii), (d)(vii)(bb), or (d)(vii)(cc), an appeal of a Type III decision must be limited to issues raised in the below proceeding before the close of the record.**~~and~~

(bb) A written request that the Board conduct an on-the-record hearing or that the Board not conduct an on the record hearing on the appeal and deem the Hearings Official decision the final decision of the County pursuant to LC 14.080(4)(d).

~~(d) The failure of an appeal to state the manner in which the applicable criteria were erroneously applied must not deprive the Hearings Official or Board of jurisdiction over the appeal and the Hearings Official or Board may proceed to hear the matter. However, the Planning Director may reject the appeal for the reasons specified in subsection (2)(b) below, or the Hearings Official or Board may, after acceptance by the Director, dismiss the appeal, or make other appropriate disposition, as a result of the failure of the appeal to comply with subsection (1)(c) above.~~

(2) **Director Review of Appeal.** Within two days of receiving any appeal, the Director must review the appeal to determine if it was received within the 12 day appeal period and if it satisfies all of the requirements of LC 14.080(1) above. The Director will either accept or reject the appeal as follows:-

(a) **Appeal Acceptance.** If an appeal is timely and satisfies all the requirements of LC 14.080(1), the Director must accept and process the appeal.

(b) **Appeal Rejection.**

~~(i)~~ (i) The Director must reject an appeal and mail notice to the appellant that it was rejected if:

~~(aa) The appeal was not received by the appeal deadline; or~~

~~(bb)~~(i) The appeal **is not accompanied by the required filing fee except as provided in subsection (3)(a)(iii) or (4)(c)(iv) below requirements of LC 14.080(1) are not satisfied.**

(ii) If the appeal is made within the appeal period, but does not satisfy the requirements of LC 14.080(1), the Director may reject the appeal and mail to the



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appellant a written statement identifying the deficiencies of the appeal.

~~(ii)~~(iii) The appellant may correct the deficiencies and re-submit the appeal if the resubmission is received by the Director within the 12-day appeal period. Failure to correct the deficiencies within the original appeal period will waive the right to appeal.

~~(iii)~~(iv) Appeals not rejected by the Director within two days of receipt will be deemed accepted.

(c) The Director must mail notice of acceptance of an appeal of a Type II or III decision within two days of appeal acceptance to the applicant, applicant's representative, and if different than the applicant, the appellant. The notice must state the tentative hearing date for the appeal and the requirements of this chapter for submission of written materials prior to the hearing.

(d) Within two days of accepting an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official for reconsideration.

~~(d)~~(e) **The Hearings Official or Board may, after acceptance by the Director, dismiss the appeal, or make other appropriate disposition, as a result of the failure of the appeal to comply with subsection (1)(c) above.**

### (3) Appeal Process for a Type II Decision

(a) **Reconsideration.** Within two days of acceptance of an appeal of a Type II decision, the Director may affirm, modify, or reverse the decision in compliance with the following:

(i) **Affirmation.** To affirm the decision, no action by the Director is necessary.

(ii) **Modification or Reversal.** To modify or reverse the decision, the Director must conclude that the final County decision on the application can be made within the applicable limits at LC 14.050(2), prepare a written modification or reversal of the decision, together with supporting findings, and mail notice of decision in accordance with LC 14.060 above. Notice of a modification or reversal of the decision should be mailed within two days of the Director's decision and provide for a new 12-day appeal period.

(iii) If the Director elects to reconsider the decision without request by the appellant, the appellant will not be required to pay a fee for a subsequent appeal of the Director's reconsidered decision.

(b) **De Novo Hearing.** Appeal of a Type II decision made by the Director will result in a de novo hearing before the Hearings Official. A hearing on an appeal of Type II decision will follow the same procedure used for a hearing on a Type III review in accordance with the applicable procedures at LC 14.070 with notice in accordance with the Type III hearing notice requirements of LC 14.060. The Hearings Official's review will not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type II Decision. The Hearings Official's review may include consideration of additional evidence, testimony or argument



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concerning any relevant standard, criterion, condition, or issue submitted or raised during the open record period.

- (c) **Appeal of Hearings Official Decision.** Appeals of decisions made by the Hearings Official on an appeal of a Type II decision will be processed in accordance with the Type III appeal procedures in subsection (4) below.

#### (4) Appeal Process for a Type III Decision

- (a) Within two days of acceptance of an appeal of a Type III decision, the Director must forward a copy of the appeal to the Hearings Official. The Hearings Official will have full discretion to affirm, modify, or reverse the initial decision and to supplement findings as the Hearings Official deems necessary. When affirming, modifying, or reversing the initial decision, the Hearings Official must comply with (4)(b) affirmation or (4)(c) reconsideration procedures below.
- (b) **Affirmation.** Within seven days of acceptance of the appeal by the Director, if the Hearings Official wishes to affirm the decision without further consideration, the Hearings Official must provide a written decision to this effect to the Director. The Director must mail written notice of the Hearings Official's decision to affirm the original decision to the appellant and other parties of record.
- (c) **Reconsideration.** If the Hearings Official wishes to reconsider the decision, the Hearings Official must conclude that a final decision can be made by the County within the applicable time limits at LC 14.050(2). If the reconsideration will cause the final decision to not be made within the applicable time limits at LC 14.050(2), the Hearing Official cannot reconsider the decision. Reconsideration must comply with subsection (4)(c)(i), (ii), or (iii) below.
- (i) **On the Record.** If the reconsideration is limited to the existing record, then within seven days of the Director's acceptance of the appeal, the Hearings Official must prepare a reconsideration decision and supplemental findings and provide the reconsidered decision to the Director. Within two days of the decision, the Director must mail the reconsidered decision in conformance with the notice of decision requirements at LC 14.060.
- (ii) **Brief of Additional Issues.** If the reconsideration is not limited to the existing record, and if the Hearings Official wishes to allow written materials to be submitted briefing limited issues, then the Hearings Official must:
- (aa) Within seven days of acceptance of the appeal by the Director, request that the Director mail notice to any person who qualifies as a party to the decision under reconsideration. The notice must disclose the limited issues to be addressed for the reconsideration and timelines for submittal of new materials and rebuttal by the applicant; and
- (bb) Within 14 days of the close of the hearing record, issue a decision and supplemental findings. The decision and findings should be mailed by the Director within two days of issuance to the same parties as subsection (4)(c)(ii)(aa) in accordance with the applicable notice of decision procedures

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at LC 14.060.

- (iii) **Limited Hearing.** If the reconsideration is not limited to the existing record and if the Hearings Official wishes to reopen the record and to conduct a hearing to address limited issues then the Hearings Official must:
    - (aa) Within seven days of acceptance of the appeal by the Director, request that the Director mail notice to any person who qualifies as a party to the decision that is being reconsidered. The notice must be in conformance with LC 14.060. The conduct of the hearing will be in accordance with the applicable provisions of LC 14.070; and
    - (bb) Within 10 days of the close of the hearing record, issue a reconsideration decision and supplemental findings, and within this same time period, the Hearings Official must notify the Director to mail a copy of the decision and findings to people who qualify as a party to the application in conformance with notice of decision procedures at LC 14.060.
  - (iv) If the Hearings Official elects to reconsider a decision without being requested to do so by an appellant, that appellant will not be required to pay a fee for a subsequent appeal of the Hearings Official decision on reconsideration.
  - (v) **Appeal of Reconsidered Decisions.** Reconsidered Hearings Official decisions may be appealed to the Board within 12 days of the date that the decision is mailed in accordance with the procedures at LC 14.080(1) and subsection (4)(d) below.
  - (vi) **Timeline Extension.** In the event a decision of the Hearings Official is being appealed by the applicant, if the applicant requests reconsideration by the Hearings Official, the applicant must first agree to an extension of any applicable timelines in which the County must process the application, and such an extension must be in addition to any other extensions already requested by the applicant.
- (d) **Elective Board Review Procedure.** An appeal of a Type III Hearings Official decision will be processed by the Board in accordance with the procedures below.
- (i) If more than one appeal related to the same property is received and one of the appeals requests a hearing by the Board, then all appeals will be forwarded to the Board for determination consistent with subsection (4)(d)(ii) below.
  - (ii) **Board Determination.** After indication from the Hearings Official not to reconsider the decision, the Board must determine whether or not they wish to conduct an on the record hearing. **An appellant's request for the Board to not conduct an on the record hearing does not preclude the ability of the Board to elect to conduct an on the record hearing if the criteria at subsection (4)(d)(iii) are met.**
  - (iii) **Criteria.** A determination by the Board to hear the appeal pursuant to subsection (4)(d)(ii) must conclude that a final decision by the Board can be made within the applicable time limit and that the issue raised in the appeal to the Board could have been and was raised before the close of the record at or following the final

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evidentiary hearing. The Board's decision to hear the appeal must be based on a determination that the appeal meets one or more of the following criteria:

- (aa) The issue is of countywide significance;
  - (bb) The issue will reoccur with frequency and there is a need for policy guidance;
  - (cc) The issue involves- impacts to an inventoried Goal 5 resource; or
  - (dd) The Director or Hearings Official recommends review.
- (iv) **Record of the Hearing.** In their determination pursuant to subsection (4)(d)(ii) above, the Board will consider only those materials contained in the hearing record as provided in LC 14.070(20), except that in this context, the Hearings Official is the hearing authority.
- (v) **Board Order.** After the determination made under subsection (4)(d)(ii) above, the Board must adopt a written decision and order electing to conduct a hearing on the record or declining to further review the appeal. The Board order must specify the decision of the Board and must include findings addressing the criteria at subsection (4)(d)(iii). If the Board's decision is to have a hearing on the record for the appeal, the Board order must specify the date for the on the record hearing, the parties who qualify to participate in the on the record hearing, and whether the Board finds that an opportunity for limited additional testimony based on subsection (4)(d)(vii)(bb) is warranted and will be provided.
- (vi) **Elect to Not Hear Order.** If the decision of the Board is to not hear the appeal, the Board order adopted by the Board per (4)(d)(v) above must state whether or not the Board has elected to ratify and affirm the decision of the Hearings Official and any interpretations therein. The Board order ~~will~~**must** incorporate the decision of the Hearings Official by reference and ~~attachment~~**as an exhibit**.
- (vii) **Hearing Procedures for On the Record Hearings.** If the decision of the Board is to allow limited additional testimony or conduct an on the record hearing, the appeal proceedings must be conducted according to the following procedures and LC 14.070 as applicable. These procedures are in addition to or apply in place of other hearing procedures in LC 14.070 where these procedures are duplicative of or conflict with those procedures.
- (aa) **Review on the Record.** Evidence considered by the Board must be confined to the record of the proceeding before the previous approval authority except as provided in subsection (bb) and (cc) below.
  - (bb) **Limited Additional Testimony.** The Board may admit additional testimony and other evidence without holding a de novo hearing, if the approval authority is satisfied that the testimony or other evidence could not have been presented before close of the record on prior hearing proceedings. In deciding whether to admit additional testimony or evidence, the approval authority will consider:

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- (A) Prejudice to parties;
  - (B) Convenience or availability of evidence at the time of the prior hearing proceedings;
  - (C) Impact to opposing parties;
  - (D) When notice was given to other parties of the intended attempt to admit the new evidence **prior to the close of the record**;
  - (E) The competency, relevancy, and materiality of the proposed testimony or other evidence; and
  - (F) Whether the matter should be remanded to the approval authority for a de novo hearing under subsection (cc) below.
- (cc) **De Novo Hearing/Remand.** The Board may elect to hold a de novo hearing or remand the appeal for a supplemental de novo hearing before the approval authority that held the previous hearing if it decides that the volume of new information offered by a party proceeding under subsection (bb) above would:
- (A) Interfere with the approval authority's agenda;
  - (B) Prejudice parties; or
  - (C) If the approval authority determines that the wrong legal criteria were applied by the previous approval authority.
- (dd) On remand pursuant to subsection (cc), the previous approval authority must apply the applicable hearing conduct procedures of LC 14.070. If an appeal is desired from the previous approval authority's decision on remand, the procedures of LC 14.080 apply. In the event that a de novo hearing or remand is requested by the applicant, the applicant must first agree to an extension of any applicable timelines in which the County must process the application, and such extension must be in addition to any other extensions of applicable application processing timelines already requested by the applicant, subject to LC 14.050(2).
- (ee) **Notice of an On the Record Hearing.** Notice of an on the record hearing will be mailed, and as required, posted and published, in accordance with LC 14.060 at least 10 days in advance of the hearing.
- (ff) **Written Material.** Unless otherwise specified by the Board, all written materials exceeding two pages in length to be submitted for consideration at an on the record hearing if permitted under subsection (bb) above must be submitted to and received by the Director at least five days in advance of the hearing. Upon request, the application file containing these materials must be made available to the public by the Director. The approval authority may allow written materials to be submitted and received after this five day deadline if:

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- (A) The written materials are limited to those solely responsive to the written materials submitted at least five days in advance of the on the record hearing;
- (B) The responsive, written materials could not have been reasonably prepared and submitted at least five days in advance of the on the record review hearing; and
- (C) Copies of the written materials have been provided to all parties to the on the record hearing.

**(gg) On the Record Hearing Participation.** The only people who may participate in a Board on the record hearing are:

- (A) The Director;
- (B) The applicant and the applicant's representative;
- (C) The appellant and the appellant's representative; and
- (D) Another party of record may provide limited additional testimony, but only in accordance with subsection (cc) above.

**(hh) Order of Proceeding.** In the conduct of an on the record hearing the following order of proceeding will be followed:

- (A) The Director will present the staff report;
- (B) The appellant will be heard first;
- (C) The applicant, if different from the appellant will be heard next;
- (D) The appellant will be allowed to rebut;
- (E) Conclude the hearing.

**(viii) On the Record Hearing Order.** Upon the adoption of findings on the on the record hearing, the Board must adopt a written decision and order affirming, reversing, or modifying the decision of the Hearings Official. If the decision of the Board is to affirm the decision of the Hearings Official, the Board order adopted by the Board per (4)(d)(v) above must state whether or not the Board has elected to ratify and affirm the decision of the Hearings Official and any interpretations therein, and the Board order will incorporate the decision of the Hearings Official by reference and attachment.

**(ix) Effective Date.** If the Board elects to not conduct an on the record hearing on an appeal, the Hearing Official's decision will become the final decision of the County. A decision on any application appealed to the Board will become final upon signing of an order by the Board to not hear the appeal or order by the Board specifying the decision of an on the record hearing. The Director will mail notice of the Board

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order to parties of record upon receipt of the signed order. The notice of Board order will state that any appeal of the Board decision can be appealed to LUBA in accordance with ORS 197.

- (5) **Appeals of Final County Decision.** Appeal of a final County decision **made** under this chapter must be filed with Land Use Board of Appeals in accordance with ORS 197. If a decision is appealed beyond the jurisdiction of the County, the ~~expiration~~**approval** period does not begin until review before the Land Use Board of Appeals and/or the appellate courts have been completed, including any remand proceedings.

#### 14.090 Limitations on Approved and Denied Applications

- (1) An application reviewed in accordance with the provisions of this chapter is subject to the limitations at subsection (1) through (9) below.
- (2) The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The Director's failure to notify the applicant of any requirement or procedure of another agency will not invalidate a decision made under this chapter.
- (3) **Vesting of Approval.** Approval of an application for which all rights of appeal have been exhausted cannot be invalidated or modified by subsequent revisions of Lane Code, unless specifically provided for otherwise in Lane Code or the conditions of approval.
- (4) **Compliance with Conditions of Approval.** Compliance with conditions of approval and adherence to approved plans is required. Any departure from the conditions of approval and approved plans constitutes a violation of the applicable sections of Lane Code and may constitute grounds for revocation or suspension of the approval unless a modification of approval is approved as provided in subsection (5) below.
- (5) **Modification of Approval.** An application for modification of approval must comply with the subsection (5)(a) through (c) below.
- (a) An application for modification of approval must:
- (i) Be in writing on a form provided by the Director;
  - (ii) Include the required application fee;
  - (iii) Be received by the Director prior to the expiration of the approval time period to complete any conditions of approval of the decision for which modification is requested, where calculation of the expiration date includes any time extension approved in accordance with subsection (7) below;
  - (iv) Identify and address any standards or criteria that the original approval addressed; and
  - (v) Address compliance of the requested modifications with any applicable standards or criteria.



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- (b) The applicable standards and criteria for the final decision have not changed; and
- (c) A decision on a modification of approval must be made by the same approval authority as the original final decision unless the original decision allows modification by a different approval authority.

**(6) Expiration of Approvals**

- (a) A permit for a discretionary approval is valid for two years from the date of the final decision, unless otherwise specified in the approval or by other provisions of Lane Code, and except as provided for in subsection (7) below.
- (b) A permit for a discretionary approval of residential development on agricultural or forest zoned land is valid for four years, unless otherwise specified in the approval of an application or by another provision of Lane Code, and except as provided in subsection (7) below. For the purpose of this section “residential development” only includes the dwellings provided for under ORS 215.213(3) and (4), 215.284, 215.705(1) to (3), 215.720, 215.740, 215.750, and 215.755(1) and (3) as implemented through Lane Code Chapter 16.
- (c) A land division decision is valid subject to Lane Code Chapter 13 except as provided in subsection (7) below.

**(7) Extension of Approval Period.** Unless otherwise specified in the approval or by other provisions of Lane Code the Director may grant an extension subject to the following requirements:

- (a) Extensions must be submitted in writing on the form provided by the department;
- (b) The application must be accompanied by the required fee;
- (c) The request for extension must be submitted prior to the expiration of the approval period;
- (d) An initial one year extension period will be granted unless otherwise provided in the decision and except as provided in (7)(e) below;
- (e) An initial extension of a permit described in subsection (6)(b) above is valid for two years;
- (f) Except as limited below, additional one year extensions, beyond the initial extension, will be authorized by the ~~director~~**Director**;
- (g) Additional one year extensions, beyond the initial extension, will be authorized where applicable criteria for the decision have not changed;
- (h) An extension cannot be submitted earlier than six months before the expiration date;
- (i) Approval of an extension granted under this section is a Type I decision, is not a land use decision, and is not subject to appeal as a land use decision.

**(8) Revocation or Suspension of a Decision**

- (a) The Director may suspend or revoke a decision issued in accordance with this chapter for any reason listed in subsection (8)(i) through (iv) below. When taking such action, the Director will notify the owner and/or applicant of the reason for the suspension or revocation and what steps, if any the applicant must take to remedy the reason for the Director's decision.
- (i) The site has been developed in an manner not authorized by the approval of the application;
  - (ii) The approval has not been complied with;
  - (iii) The conditions of approval have not been completed; **or**
  - (iv) The approval was secured with false or misleading information. ~~or~~
  - ~~(v) The decision issued was based on an error.~~
- (b) The Director's decision to suspend or revoke a decision is appealable to the Hearings Official in the same manner as provided for in LC 14.080 for an appeal of a Type II decision. The appeal period will commence the day the Director mails notice to the owner and/or applicant of the Director's decision to suspend or revoke the decision. The notice must state that the owner and/or applicant has the right to appeal the Director's decision and what the procedure is for the applicant to appeal. If the Director elects to refer the matter to the Hearings Official under subsection (8)(c) below, the Director must include in the notice to the owner and/or applicant that the matter has been referred to the Hearings Official and the steps the owner and/or applicant must take to contest the reasons for the suspension or revocation.
- (c) The Director may initiate a review by the Hearings Official to suspend or revoke the issued decision in lieu of making the decision to suspend or revoke the decision. Hearings Official review will follow the procedure for processing of appeals of a Type II decision, and the Hearings Official may suspend or revoke a decision for one or more of the reasons specified in subsection (8)(a) above. A Hearings Official's decision to suspend or revoke a decision is appealable to the Board in the same manner as provided for in LC 14.080 for appeals to the Board.
- (d) If the reason for the suspension or revocation is remedied before the decision becomes final, by the expiration of the appeal time, or by the date of the hearing official hearing, then the suspension or revocation is void.

- (9) Limitations on Refiling Applications.** Except for a Type I application, an application for which a substantially similar application relating to the same property or tract has been denied within the previous year will not be accepted. At the Director's discretion, an earlier refiling may be allowed if it can be demonstrated that the basis for the original denial has been eliminated.

**14.100 LUBA Remands**



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- (1) **Remanded County Decisions.** A County decision remanded by the Land Use Board of Appeals (LUBA) or state appellate court will be processed according to the following procedures **below. Except for (1)(d)(v), these procedures do not apply to voluntary remands.**
- (a) **Remand Request.** To request County processing of the matter on remand, the applicant must submit a completed application on a form provided by the Director ~~and the required filing fee.~~ The completed form **and fee** must be received by the Director within the time frames at subsection (1)(d) below for the County to commence review.
- (b) **Hearing. For remands that require a remand hearing, or for which the County opts to conduct a hearing, the following requirements apply:**
- (i) ~~The For Type IV decisions and Type II and III decisions for which the Board conducted an on-the-record hearing, the~~ Board will conduct ~~a the remand~~ hearing to review and ~~act upon address issues raised in the~~ final LUBA order.
- (ii) **For Type II and III decisions for which the Board did not conduct an on-the-record hearing, of the LUBA remanding a decision to the County or may, at its discretion and upon finding that the timelines as (1)(d) below can be met, remand the proceeding to the Hearings Official to will conduct the remand hearing and make a recommendation to the Board. The Board must hold a public hearing and issue a final decision on the application, leave the Hearings Official decision as the final County decision, or adopt the Hearings Official decision by consent order as the final decision of the County.**
- (iii) ~~The A LUBA remand~~ hearing will be conducted in accordance with LC 14.070 except that where the procedures of this subsection are duplicative of or conflict with those procedures, the procedures of this subsection will apply.
- (iv) **The Board and Hearings Official may only consider issues identified in the LUBA order as the basis for the remand.**
- ~~(b) The hearing will be conducted in accordance with the following:~~
- ~~(i) Staff will prepare a report to the Board requesting review of the remand issues.~~
- ~~(ii) On remand, the relevant issues before the Board are limited to only those issues that are identified by the LUBA order as the basis for the remand.~~
- (c) **Notice.** The Director must mail notice at least 10 days prior to the hearing in accordance with LC 14.060(2)(c).
- (d) **Time Limit.** For a permit, limited land use decision, or zone change, final action on a LUBA remand must ~~be occur~~ within the timelines ~~of subsection (1)(d)(i) through (v).~~ **set forth below:**
- (i) ~~Subject to subsection (1)(d)(ii), the~~ **The** County must take final action within 120 days of the **date the applicant submits a request pursuant to LC 14.100(1)(a). If the County does not receive the request within 180 days of the effective date of**

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**the LUBA final order or the final resolution of the judicial review, the application is deemed terminated on the 181<sup>st</sup> day.**~~effective date of the LUBA final order.~~ For purposes of this subsection, the effective date of the LUBA final order is the last day for filing a petition for judicial review under ORS 197.850(3). ~~If judicial review of a LUBA final order is sought under ORS 197.830, the 120-day period established under this subsection does not begin until final resolution of the judicial review.~~

~~(ii) The 120-day period established under subsection (1)(d)(i) of this section does not begin until the applicant requests in writing in accordance with (1)(a) above that the County proceed with the application on remand, but if the County does not receive the request within 180 days of the effective date of the LUBA final order or the final resolution of the judicial review, the application is deemed terminated on the 181<sup>st</sup> day.~~

~~(iii)~~(ii) The 120-day period established under subsection (1)(d)(i) of this section may be extended for up to an additional 365 days if the parties enter into mediation as provided by ORS 197.860 prior to the expiration of the initial 120-day period. The application is deemed terminated if the matter is not resolved through mediation prior to the expiration of the 365-day extension.

~~(iv)~~(iii) The 120-day period established under subsection (1)(d)(i) of this section applies only to decisions wholly within the authority and control of the governing body of the County.

(iv) Subsection (1)(d)(i) of this section does not apply to a remand proceeding concerning a decision making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(v) **If the County withdraws a decision for the purposes of reconsideration under ORS 197.830(13)(b) by filing a notice of withdrawal with LUBA, it must file a copy of its decision on reconsideration with LUBA within 90 days after the filing of the notice of withdrawal or within such other time as LUBA may allow.**

**(e) Appeal and Effective Date of Decision.**

(i) Notice of the Board **or Hearings Official** decision on remand will be as provided by LC 14.060.

(ii) **A Hearings Official decision on remand may be appealed to the Board within 12 days of mailing of the notice of remand decision. A notice of appeal of the Hearings Official's decision must be filed with the Director prior to the end of business on the 12<sup>th</sup> day after the date the notice of decision is mailed. Appeal of the Hearings Official remand decision will be heard by the Board according to the procedures at LC 14.100(1)(b).**

(iii) Appeal of a Board **remand** decision ~~on a remand~~ is governed by ORS Chapter 197.

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Bold indicates material being added  
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(e) —

## **GENERAL PROVISIONS**

### **~~10.025-05—Policy Interpretations by Planning Commission.~~**

~~It shall be the duty of the Planning Commission, in addition to those matters specifically provided in this chapter, to interpret matters of policy with respect to this chapter. (Revised by Ordinance No. 13-72, Effective 7.21.72)~~

### **~~10.025-10—Administrative Responsibilities of Planning Director.~~**

~~It shall be the duty of the Planning Director, in addition to those matters specifically provided or except where specifically provided otherwise in this chapter to:~~

- ~~—— (1) — Administer and interpret the provisions and requirements of this chapter.~~
- ~~—— (2) — Maintain unofficial zoning maps indicating the current zoning districts. (Revised by Ordinance No. 13-72, Effective 7.21.72)~~

### **~~10.025-15—Appeal of Interpretations and Enforcement to Board of Commissioners.~~**

~~It shall be the duty of the Board of Commissioners, when not otherwise expressly provided in this chapter, to hear and decide written appeals when it is alleged there is error or omission by the Planning Commission, Planning Director, Chief Building Inspector, or other administrative official in the interpretation and enforcement of this chapter. (Revised by Ordinance No. 13-72, Effective 7.21.72)~~

### **~~10.025-20—Public Hearing Rules of Conduct.~~**

~~The Board of Commissioners and Planning Commission may establish their own rules for the conduct of their respective public hearings required by this chapter or other law. (Revised by Ordinance No. 13-72, Effective 7.21.72)~~

### **~~10.025-25—General Public Hearing Notice Provisions.~~**

~~In addition to the specific requirements provided in this chapter for public hearing notice, the following general provisions shall apply:~~

- ~~—— (1) — Continuation. Any public hearing may be continued by oral pronouncement prior to the close of such hearing, if notice of the time and place thereof is publicly announced at the hearing or is given in the same manner as required for the first public hearing, and such announcement shall serve as sufficient notice of such continuance to all interested persons.~~
- ~~—— (2) — Rescheduling. In the event any meeting of the Board of Commissioners or Planning Commission at which a public hearing has been advertised must be rescheduled due to an emergency situation, the rescheduling of the meeting shall constitute sufficient notice of a public hearing provided the following minimum procedures are observed:~~
  - ~~—— (a) — Notice is posted on the door of the building in which the hearing is scheduled advising of the cancellation and the date, time, and place for the rescheduled meeting.~~
  - ~~—— (b) — Reasonable attempts are made prior to the scheduled hearing to announce the cancellation and rescheduling by direct communication to applicants and known interested parties and through available news media to the general public.~~
- ~~—— (3) — Additional Notice. The requirements of this chapter for public hearing notice shall not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Planning Director for any reason. (Revised by Ordinance No. 13-72, Effective 7.21.72)~~

### **10.025-30 Minimum Requirements.**

In interpreting and applying the provisions of this chapter, such provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, and welfare, therefore, where this chapter imposes a greater restriction upon the use of the buildings or premises, or upon the height of

buildings, or requires larger open spaces than those imposed or required by other laws, ordinances, rules, or regulations, the provisions of this chapter shall control. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

#### **10.025-35 Conformance and Permits Required.**

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 zone in which such building, structure or land is located, and there only after proper application for and securing of all permits and licenses required by all applicable State and local laws. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

#### ~~**10.025-40 Effective Filing Date of Applications and Requests.**~~

~~All applications and requests provided in this chapter shall be deemed filed upon the submission of all the information, materials, and fees required by this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*~~

#### ~~**10.025-45 Notices of Appeal.**~~

~~When a written appeal is filed pursuant to the provisions of LC Chapters 9, 10, 11, 13, 14 or 15, to appeal a decision to the Hearings Official, the failure of the appeal to state the manner in which the applicable criteria were erroneously applied shall not deprive the Hearings Official of jurisdiction over the appeal and the Hearings Official may proceed to hear the matter. The Hearings Official may dismiss the appeal, or make other appropriate disposition, upon a finding of substantial prejudice as a result of the failure of the appeal to include a statement of error. *(Revised by Ordinance No. 10-78, Effective 7.7.78; 5-81, 4.8.81)*~~

#### **10.025-50 Scenic Byway/Tour Route Off-Premise Sign Requirements.**

New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 10.025-50, below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; facilities not located on the premises on which the sign is located; or activities not conducted on the premises on which the sign is located.

(1) The South Lane Tour Route as specifically identified in Ordinance No. 10-99. *(Revised by Ordinance No. 10-99, Effective 1.15.00)*

#### **10.025-55 Prohibited uses.**

The following marijuana uses, as these terms are defined in Lane Code 16.090 are prohibited in all zoning districts of Lane Code Chapter 10.

1. Marijuana processing
2. Marijuana production
3. Marijuana research
4. Marijuana retail sales
5. Marijuana testing laboratory
6. Marijuana wholesale distribution *(Revised by Ordinance No. 15-08, Effective 12.15.15)*

#### **10.090 Compliance with LC Chapter 15, Roads.**

Development subject to the provisions of this chapter shall comply with LC Chapter 15, Roads. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

#### **10.095 Districts.**

In order to carry out the purpose and provisions of this chapter areas within the County may be classified in one or more of the following Districts:

(b) If the lot is 10 acres or less in size, the number of facility units located thereon shall not exceed the number of acres.

(6) Public or private hunting and fishing preserves.

(7) Facilities for fixed or rotary-winged and lighter-than-air aircraft, provided such facilities are accessory to the management, growing or harvesting of forest crops.

(8) Rock, sand, gravel and loam extraction, quarries, including crushing, screening and stockpiling of materials, provided the location shall be at least 1,000 feet from any Zone District that is not an EFU, A-1, A-2, F-2, M-3, S-G or S-G/CP District for any excavation for which the amount exceeds 10,000 cubic yards annually, and provided further that materials produced are used solely in conjunction with forest or farm use activities.

(9) Mineral exploration, provided the following standards are not exceeded:

(a) One acre of area for exploration, including all accessory buildings, access facilities and surface mining refuse.

(b) A result of 500 cubic yards annually of surface mining refuse such as waste materials, soil, rock, liquid vegetation and other materials resulting from or displaced by surface mining operations.

(10) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(11) Emergency forest protection facilities such as fire towers, temporary fire suppression crew quarters, fire attacking landing strips for airplanes, or other similar uses.

(12) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). (*Revised by Ordinance No. 16-80, Effective 9.27.80; 10-04, 6.4.04*)

#### **10.103-15 Special Uses - Director Approval.**

The following uses are subject to approval by the Director pursuant to ~~LC 14.100~~Type II procedures of LC Chapter 14.

(1) One single-family dwelling or mobile home per lot in conjunction with uses permitted under LC 10.103-10(1) through (3) above. Such use of the property must be documented by:

(a) Designation of the property by County Tax Assessor as receiving either forest or farm tax deferral; or

(b) A satisfactory forest or agricultural management plan that, if implemented, would qualify the property for forest or farm tax deferral;

(c) A cooperative or lease agreement with another owner of forest or farmland for management of the property.

(2) Group quarters or transient lodging in conjunction with uses permitted under LC 10.103-10 above.

(3) Disposal sites for waste materials generated through the production, harvesting or manufacturing of forest crops, provided, however, such sites are not within 1,000 feet of any Zone District that is not an EFU, A-1, A-2, F-2, M-3, S-G or SG/CP District.

(4) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). (*Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83; 10-04, 6.4.04*)

**10.103-20 Special Uses - Hearings Official's Approval.**

The following uses are subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~.

(1) Public or private recreational uses which exceed the requirements for camping and picnic uses allowed as a permitted use in LC 10.103-10(5) above.

(2) Disposal sites for waste materials not meeting the requirements for a permitted use in LC 10.103-15(3) above.

(3) Dams, water storage areas, electrical generation facilities power transmission stations, substations and other similar facilities, electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines, canals, flumes and pipelines and other communication facilities not allowed as a permitted use in LC 10.103-10(1) above.

(4) Rock, sand and gravel and loam extraction, quarries, including processing and stockpiling, which does not satisfy the requirements for an allowable permitted use as provided in LC 10.103-10(8) above.

(5) Mining operations which do not satisfy the requirements for an allowable permitted use as provided in LC 10.103-10(9) above.

(6) Forest crop processing facilities not otherwise allowed as a permitted use in LC 10.103-10(1) and (2) above.

(7) Major Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(8) Geothermal development, including site development generation facilities, transmission lines or pipes, substations and communication facilities. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83)*

**10.103-25 Special Use Criteria.**

Special uses authorized by LC 10.103-15 and 10.103-20 above shall be approved only upon submission of evidence the following criteria are met:

(1) Any building, mobile home or structure used for residential purposes.

(a) Shall not be located within 500 feet of forest or agricultural lands not owned by the applicant, except in such circumstances when the existing ownership pattern, natural features of a parcel, the location of access roads, other dwelling units or the surrounding land use would permit clustering of dwellings so as to preserve larger contiguous forested areas and buffering from forestry or agricultural operations.

(b) Shall be located on the least productive portions of the parcel, considering soil productivity, existing dwelling and structures, natural hazards, access and the surrounding land use.

(c) Shall be located a compatible distance from a forest product processing facility.

(d) Shall maintain a minimum fuel break of 100 feet cleared of flammable material between the dwelling and forest land. Such fuel break shall be continually maintained and may contain ornamental shrubbery, single specimen trees or similar plants used as ground cover, however, the plants should not be a means of rapidly spreading fire.

(e) Shall provide a fire suppression system that includes the following:

(i) A pond, stream, tank, or sump with storage of not less than 1,000 gallons or well capable of delivering 20 gallons per minute, provided such well is on an independent power system.



**10.104-15 Special Uses - Director Approval.**

The following uses subject to approval by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~:

(1) One single-family dwelling or one mobile home per lot in conjunction with uses permitted under LC 10.104-10(1) and (2) above. Such use of the property shall be documented by:

(a) Designation of the property by the County Assessor as receiving either forest or farm tax deferral; or

(b) A satisfactory or farm management plan that, if implemented, would qualify the property for forest or farm tax deferral; or

(c) A cooperative or lease agreement with another owner of forest or farmland for management of the subject property.

(2) One single-family dwelling or one mobile home per lot not in conjunction with uses permitted under LC 10.104-10(1) and (2) above or a lot or parcel created for such purpose, provided that:

(a) The addition and location of new structures and improvements, including dwellings, roads, utilities, fences, wells, etc., will not impose limitations upon existing farm or forestry practices in the area;

(b) The use will not detrimentally affect the farm or forestry operations of the area through increased use of roads, interference with farm or forestry uses or practices or demand for public facilities;

(3) Public and semipublic buildings and structures rendering a direct service to the public in local areas such as fire stations or utility substations.

(4) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83; 10-04, 6.4.04)*

**10.104-20 Special Uses - Hearings Official Approval.**

The following uses, and no others, subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~:

(1) The following uses, when such uses are operated as a separate business or enterprise not in conjunction with a farm use in certain locations determined not to be detrimental to the forest or agricultural character of the area and to be of benefit to the community at large, for example, along railroads, major highways or in small population centers:

(a) Hop, nut and fruit dryers.

(b) Feed mixing and storage facilities.

(c) Hullers.

(d) Mint distilleries.

(e) Seed processing, packing, shipping and storage.

(f) Plants for the storage, packing or wholesaling of agricultural products produced on the premises.

(g) Feed lots.

(h) Temporary and portable sawmills, barkers and chippers.

(i) Wine processing.

(j) Any other similar activities or other allied farm commercial activities.

(2) Animal hospitals; kennels.

(3) Churches.



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- (4) Public and private schools.
- (5) Parks, playgrounds and community centers owned and operated by a governmental agency or a nonprofit community organization.
- (6) Lodges and grange halls.
- (7) Electric transmission facilities transmitting electric current in excess of 150,000 volts in any single cable or line or group of cables or lines.
- (8) Flood control facilities and irrigation projects.
- (9) Radio and television transmission towers; broadcast studios or stations.
- (10) Accessory dwellings for persons employed on the premises.
- (11) Stables, riding academies and commercial riding.
- (12) Airports, heliports or aircraft landing fields.
- (13) Cemeteries.
- (14) Golf courses.
- (15) Rock, sand, gravel and loam excavations, extraction of general resources, with incidental processing which exceed the requirements for an allowable permitted use as provided in LC 10.104-10(9) above.
- (16) Solid waste disposal facilities.
- (17) Sewage treatment facilities.
- (18) Major Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).
- (19) Communication facilities not accessory to a permitted use.
- (20) Dams, water storage areas, electrical generation facilities, canals, flumes, pipelines and other similar facilities.
- (21) Cluster developments may be permitted as a special use as follows:
  - (a) The developer is in accord with all applicable portions of the Lane County Coals and Policies, functional plans and subarea plans.
  - (b) The development is in accord with the criteria of ORS 215.213(3) for each home site or assures the retention of forest lands for forest uses.
  - (c) The development is justified by an exception to the applicable natural resource goal, LCDC Goal 3 or 4, or both such goals, as applicable. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 9-83, 4.29.83; 16-83, 9.14.83)*

#### **10.104-25 Special Use Criteria.**

Special uses authorized under LC 10.104-15 or 10.104-20 above shall be approved only upon submission of evidence the following criteria are met.

- (1) Any building, mobile home or structure used for residential purposes:
  - (a) Shall be sited close to existing access roads or other dwellings, or shall be naturally buffered from adjacent properties where farm and forest uses are practiced, or a natural buffer shall be established and utilized between adjacent forest lands and the proposed dwellings;
  - (b) Shall be located on the least productive portions of the parcel considering soil types, soil constraints such as erosion, drainage, slides, flooding, soil productivity, existing dwellings, structures, access, surrounding land use and existing rural services and facilities;
  - (c) Shall maintain a minimum fuelbreak of 100 feet cleared of flammable material between the dwelling and forest land. Such fuel break shall be continually maintained and may contain ornamental shrubbery, single specimen trees or similar plants used as ground cover; however, the plants should not be a means of rapidly spreading fire;
  - (d) Shall provide a fire suppression system that includes the following:

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Table I

## Buildings &amp; Uses

Land Unit  
(See LC 10.100-40)

NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review. N/A=Not Allowed

acre.

(c) Processing, as defined in ORS 517.750, of aggregate into asphalt or portland cement; provided such processing does not take place within two air miles of a vineyard planted at the time the initial processing application is made.

(d) Processing of other mineral resource and other subsurface resources.

(25) Creation of, restoration of, or enhancement of wetlands.

(26) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).

(27) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).

(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91; 10-04, 6.4.04)

| Com-<br>mercial<br>Farm<br>Unit I | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
|-----------------------------------|-----------------------------------|--|-------------------------|----------------------|
| (5)                               | (5)                               | (5)  | (5)                     | (5)                  |
| (1)                               | (1)                               | (1)  | (1)                     | (1)                  |
| (1)                               | (1)                               | (1)  | (1)                     | (1)                  |
| (11)                              | (11)                              | (11)                                       | (11)                    | (11)                 |

**10.106-12 Review Process.**

For uses listed in Table I above, the following review processes are applicable:

- (1) Permitted Use. Review is limited to determination of qualifications.
- (2) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area.

- (3) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) The subject property, although smaller in size than commercial farm units in the immediate area.

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(i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

(4) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(5) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(6) Subject to Director approval pursuant to LC Chapter 13. Land division resulting in parcels meeting the area requirements of LC 10.360-10 shall be deemed as conforming with ORS 215.243.

(7) (a) Subject to Director approval pursuant to LC Chapter 13, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm

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units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll.

Ownerships of less than 10 acres shall not be included in the calculations of the median area. Findings of compliance with this criterion shall be deemed as complying with ORS 215.243.

(8) Subject to Director approval pursuant to LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(b) The subject property, although smaller in size than other commercial farm units in the immediate area.

(i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers in the region.

Findings of compliance with these criteria shall be deemed as complying with ORS 215.243.

(9) Subject to Director approval pursuant to LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(c) (i) The parcel to be divided is marginal agricultural land.

(ii) The parcel to be divided cannot now or in the foreseeable future be found profitable.

(iii) Parcels slightly larger than the parcel to be divided cannot be economically farmed.

(iv) Most farming operations in the area are on farms of the size proposed by the division.

(v) Greater agricultural utilization will result from breaking the undivided parcel into small farms as proposed.

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(10) Subject to Director approval pursuant to LC Chapter 13.

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(c) Where the parcel(s) are proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the proposed parcel(s) have been disqualified for valuation at true cash value for farm use under ORS 308.370.

(11) Special Use.

(a) Subject to Director approval pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

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

(12) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.100~~, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(13) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of the Zoning District and ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

(vii) Will not cause hazardous conditions.

(viii) Where the dwelling or mobile home is proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the lot or parcel upon which the dwelling or mobile home is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 16-83, 9.14.83)*

#### **10.106-15 Land Division Requirements.**

(1) Land within the A-1 District shall be subject to the following provisions for addition to the requirements of LC Chapter 13.

(a) Land division shall be effected only by partition as defined by LC 13.010(5). Subdivision of land as defined by LC 13.010(9) is expressly prohibited.

(b) The division of land by lease or rental for any farm use purpose is permitted and shall not be subject to the provisions of LC Chapter 13. No structure or building may be erected appurtenant to such a division, except those permitted under LC 10.106-10(2).

(c) A division of land may be allowed to create a parcel with an existing historic property inventoried and designated within the applicable Comprehensive Plan and meeting the standards of ORS 358.480, provided the parcel is not larger than the



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| Buildings & Uses   | Land Unit<br>(See LC 10.100-40) |                                   |  |                         |                      |
|--|---------------------------------|-----------------------------------|--|-------------------------|----------------------|
|  | Com-<br>mercial<br>Farm         | Com-<br>mercial<br>Farm<br>Unit I | Special<br>Commer-<br>cial Farm<br>Unit II | Special<br>Farm<br>Unit | Non-<br>Farm<br>Unit |
| NOTE. (1) shown in the Land Unit column indicates a permitted use. All special uses requiring review.<br>N/A=Not Allowed   |                                 |                                   |  |                         |                      |
| (i) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted by LC 10.107-10(37) above.                                      |                                 |                                   |  |                         |                      |
| (ii) Mining of aggregate and other mineral and other subsurface resources to an amount exceeding 1,000 total cubic yards of material or excavation preparatory to mining a surface area of more than one acre.                             |                                 |                                   |  |                         |                      |
| (iii) Processing, as defined in ORS 517.750, of aggregate into asphalt or portland cement; provided such processing does not take place within two air miles of a vineyard planted at the time the initial processing application is made. |                                 |                                   |  |                         |                      |
| (iv) Processing of other mineral resource and other subsurface resources.  | (5)                             | (5)                               | (5)  | (5)                     | (5)                  |
| (39) Creation of, restoration of, or enhancement of wetlands.  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (40) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).  | (1)                             | (1)                               | (1)  | (1)                     | (1)                  |
| (41) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).   | (11)                            | (11)                              | (11)                                       | (11)                    | (11)                 |
| <i>(Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82, As Amended, 4.16.82; 3-91, 5.17.91; 10-04, 6.4.04)</i>  |                                 |                                   |  |                         |                      |

#### 10.107-12 Review Process.

For uses listed in Table I above, the following review processes are applicable:

- (1) Permitted Use. Review is limited to determination of qualifications.
- (2) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

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(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10 but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along with the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area.

(3) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) The subject property, although smaller in size than other commercial farm units in the immediate area:

(i) Is unique in that the types of products produced, while following accepted farming practice, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

(4) Special Use.

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(5) Special Use.

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~, and

(b) (i) Is compatible with and not hazardous to existing farm use and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.



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(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

The above listed criteria are intended to be consistent those provided in ORS 215.213(3).

(6) Subject to Director approval pursuant to LC Chapter 13. Land division resulting in parcels meeting the area requirements of LC 10.360-10 shall be deemed as conforming with ORS 215.243.

(7) (a) Subject to Director approval pursuant to LC Chapter 13, and

(b) The subject property is a unit of contiguous ownership less than that specified in LC 10.360-10, but equal to or greater than the median ownership of farm units within the immediate area. Immediate area shall mean the section in which the subject property is located along the eight surrounding and adjacent sections, excluding such areas as may lie outside the boundaries of Lane County, Oregon. Farm units shall mean any property having a property classification beginning with the digit "5" or ending with the digit "2" or "3" as shown on the latest approved tax roll. Ownerships of less than 10 acres shall not be included in the calculations of the median area. Findings of compliance with this criterion shall be deemed as complying with ORS 215.243.

(8) Subject to Director approval pursuant to LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(b) The subject property although smaller in size than other commercial farm units in the immediate area:

(i) Is unique in that the types of products produced, while following accepted farming practices, are not found in the immediate area, and

(ii) Will contribute in a substantial way to the agricultural economy of the County, and

(iii) Will help maintain agricultural processors and established farm markets in that the proposed operation is on land of similar size and productivity as other producers of the same products in the region.

Findings of compliance with those criteria shall be deemed as complying with ORS 215.243.

(9) Subject to Director approval pursuant to LC Chapter 13, and

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(b) (i) Agricultural land will be maintained as a natural and economic asset.

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(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(c) (i) The parcel to be divided is marginal agricultural land.

(ii) The parcel to be divided cannot now or in the foreseeable future be found profitable.

(iii) Parcels slightly larger than the parcel to be divided cannot be economically farmed.

(iv) Most farming operations in the area are on farms of the size proposed by the division.

(v) Greater agricultural utilization will result from breaking the undivided parcel into small farms as proposed.

(10) Subject to Director approval pursuant to LC Chapter 13.

(a) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3).

(b) (i) Agricultural land will be maintained as a natural and economic asset.

(ii) There will be no intrusion into the block of agricultural land surrounding the subject property.

(iii) There will be no urban development.

(iv) The owners of property will be encouraged to maintain the Exclusive Farm Use Zone.

(c) Where the parcel(s) are proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the proposed parcel(s) have been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.243 as required by ORS 215.263(3).

(11) Special Use.

(a) Subject to approval of the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

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(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Will not be adversely affected by natural hazards, such as goods, slides, erosion.

(12) **Special Use.**

(a) Subject to approval of the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~, and

(b) (i) Is compatible with and not hazardous to existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use

(iv) Does not materially alter the stability of the overall land use pattern of the area.

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

(13) **Special Use.**

(a) Subject to approval of the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and

(b) (i) Is compatible with existing farm uses and uses permitted in the surrounding Zoning District(s).

(ii) Is consistent with the purpose of the Zoning District and ORS 215.243.

(iii) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

(iv) Does not materially alter the stability of the overall land use pattern of the area.

(v) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

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

(vii) Will not cause hazardous conditions.

(viii) Where the dwelling or mobile home is proposed on land valued at true cash value for farm use under ORS 308.370, evidence has been submitted that the lot or parcel upon which the dwelling or mobile home is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370.

The above-listed criteria are intended to be consistent with those provided in ORS 215.213(3). (*Revised by Ordinance No. 1-82, As Amended, Effective 4.16.82; 16-83, 9.14.83*)

**10.107-20 Land Division Requirements.**

Land with the Limited Agricultural Land District (A-2) shall be subject to the following provisions in addition to the requirements of LC Chapter 13.

(1) Land divisions shall be effected only by partition as defined by LC 13.010(5). Subdivision of land as defined by LC 13.011(9) is expressly prohibited.

(2) The exclusion of lands subject to the provisions of LC Chapter 13, set for in LC 13.010(1)(d) shall not apply to lands within the Limited Agricultural Land District (A-2).

(3) The division of land within the Limited Agricultural Land District (A-2) by lease or rental for any farm purpose is permitted and shall not be subject to the provisions

10.112-15 Lane Code 10.112-20

(a) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(b) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(c) Where lot area exceeds 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(d) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(10) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83; 10-04, 6.4.04)*

#### **10.112-15 Special Uses-Planning Director Approval.**

(1) The following uses subject to approval by the Planning Director pursuant to ~~LC Type II procedures of LC Chapter 1414.100:~~

(a) Commercial activities in conjunction with a farm or forest use, provided that such activities are conducted by the owner or operator of the farm or forest use and provided further that they do not constitute a separate business or enterprise.

(b) The following animal husbandry uses where such uses are intended for the primary purpose of selling animals or animal products for profit.

(i) Raising, tending or breeding of swine.

(ii) Raising, tending or breeding of furbearing animals.

(c) Raising, tending or breeding of fowl for meat or egg production.

(d) Accessory dwellings for persons employed on the premises.

(2) Special uses shall be approved by the Planning Director unless there is a specific finding the use or activity will result in one of the following:

(a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning District(s).

(b) The use is not consistent with the purpose of the GR-1 District.

(c) The use will interfere with accepted farming or forestry practices on lands in the surrounding area that are devoted to such use.

(d) The use will be adversely affected by known natural hazards, such as floods, slides, erosion.

(e) The use will create a hazardous natural condition such as erosion, landslide, flooding. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83)*

#### **10.112-20 Special Uses-Hearings Official Approval.**

(1) The following uses subject to approval by the Hearings Official pursuant to ~~Type III procedures of LC Chapter 1414.300:~~

(a) Animal hospitals.

(b) Campgrounds, camping vehicle parks, tourist parks.

(c) Cemeteries.

(d) Churches.

(e) Dams, water storage facilities, power generation or transmission facilities, substations and similar facilities; electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines; canals, flumes and pipe lines; flood control facilities and irrigation projects.

(f) Day Care nurseries.

(g) Golf courses.

10.112-20 Lane Code 10.112-20

(h) Group care homes.

(i) Kennels which do not satisfy the requirements for kennels as a permitted use.

(j) Lodges and grange halls.

(k) Major Rural Home Occupations.

(l) Nursing homes.

(m) Parks, playgrounds and community centers.

(n) Public and private schools.

(o) Radio and television transmission facilities.

(p) Rock, sand, gravel, loam, excavation, extraction of mineral resources with incidental processing.

(q) Solid waste disposal facilities.

(r) Stables, riding academies and commercial riding.

(s) Storage facilities for boats and recreational vehicles.

(t) Sewage treatment facilities.

(u) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).

(v) Other uses similar to the above and not specifically authorized anywhere in this chapter.

(2) Special uses shall be approved by the Hearings Official unless there is a specific finding that the proposed use or activity will result in one of the following:

(a) Will adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(b) Be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(c) Be unduly potentially affected by natural hazards, such as floods, slides or faults.

(d) Result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(e) Result in significant undue water or air pollution. In making this determination, at least the following may be considered.

(i) The relation of flood plains.

(ii) The nature of soil and subsoil and their ability to adequately support waste disposal.

(iii) The slope of the land and its effect on effluents.

(iv) The availability of streams approved or capable of being approved for the disposal of treated effluents.

(v) Applicable climatical conditions.

(vi) The applicable water and air regulations.

(f) Not have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(g) Cause an unreasonable burden on existing or future community facility systems.

(h) Cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy or otherwise undesirable condition.

(i) Cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.

10.112-30 Lane Code 10.112-40  
(j) Place an unreasonable burden on the ability of local governmental agencies to provide public services. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 16-83, 9.14.83; 10-04, 6.4.04)*

**10.112-30 Setback Requirements.**

The minimum setback distances for any main or accessory building in the General Rural-1 District shall be those specified in LC 15.065 through LC 15.095. *(Revised by Ordinance No. 16-80, Effective 9.27.80)*

**10.112-40 Area.**

(1) The minimum area for the division of land shall be five acres except that a division of land for less than five acres is permissible for uses permitted under LC 10.112-10(8) and uses approved under LC 10.112-20.

(2) For each accessory dwelling or mobile home unit approved conditionally under LC 10.112-15(1)(c) above, the lot shall contain an average area of five acres per such accessory unit.

(3) A special exception to the minimum area requirements of this section may be approved in accordance with LC 10.350, "Special Exceptions to Minimum Area Requirements."

(4) The following animal use area regulations shall apply on lots of less than five acres:

(a) Cows, horses, sheep, goats or swine 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.   |
| Goat or sheep | Five per acre, plus one additional for every 2,000 square feet.   |
| Swine         | One per acre. The area of a property may be utilized one time only for the computation of the above allowable animal usage. |

(b) The number of chickens, fowl and/or rabbits (over the age of six months) shall not exceed one for each 500 square feet of property. The number of young chickens, fowl and/or rabbits (under the age of six months) allowed on the property at any time shall not exceed three times the allowable number of chickens, fowl and/or rabbits over the age of six months.

(c) The number of colonies of bees allowed on a lot shall be limited to one colony for each 2,000 square feet of lot area.

(d) Animal runs, stables, barns, corrals of less than one-half acre, chicken or fowl pens and colonies of bees shall not be located closer than 100 feet from any residence on adjacent properties.

(e) Animals, chickens and/or fowl shall be appropriately contained, caged or housed and proper sanitation shall be maintained at all times. All animal and poultry food shall be stored so as to be rodent proof. *(Revised by Ordinance No. 16-80, Effective 9.27.80)*



- |           |           |           |
|-----------|-----------|-----------|
| 10.113-15 | Lane Code | 10.113-20 |
|-----------|-----------|-----------|
- (8) Public and semipublic buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.
- (9) Kennels, provided the following conditions are satisfied:
- (a) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
- (b) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.
- (c) Where lot area exceeds 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.
- (d) All dogs shall be owned by the kennel owner except those temporarily kept for purposes of breeding.
- (10) Commercial activities in conjunction with a farm or forest use, provided that such activities are conducted by the owner or operator of the farm or forest use and provided further that they do not constitute a separate business or enterprise.
- (11) Rock, sand, gravel or loam excavation or extraction, provided materials produced are for the sole use of the owner or operator and are not offered for sale or remuneration and provided further the total excavation or extraction does not exceed 5,000 cubic yards annually.
- (12) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83; 10-04, 6.4.04)*

**10.113-15 Special Uses - Planning Director Approval.**

- (1) The following uses subject to approval by the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~:
- (a) Accessory dwellings for persons employed on the premises.
- (2) Special Uses shall be approved by the Planning Director, unless there is a specific finding that use or activity will result in one of the following:
- (a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning Districts.
- (b) The use is not consistent with the purpose of the GR-II District.
- (c) The use will interfere with accepted farming or forestry practices on lands in the surrounding area that are devoted to such use.
- (d) The use will be adversely affected by known natural hazards, such as floods, slides, erosion.
- (e) The use will create a hazardous natural condition such as erosion, landslide, flooding. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 10-82, 7.9.82; 16-83, 9.14.83)*

**10.113-20 Special Uses - Hearings Official Approval.**

- (1) The following uses subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~:
- (a) Animal hospitals.
- (b) Campgrounds, camping vehicle parks, tourist parks.
- (c) Cemeteries.
- (d) Churches.
- (e) Dams, water storage facilities, power generation or transmission facilities, substations and similar facilities; electric transmission facilities transmitting electricity in excess of 150,000 volts in any single cable or line or group of cables or lines; canals, flumes and pipelines; flood control facilities and irrigation projects.

10.113-20 Lane Code 10.113-20

(f) Day care nurseries.  
(g) Golf courses.  
(h) Group care homes.  
(i) Kennels which do not satisfy the requirements for kennels as a permitted use.  
(j) Lodges and grange halls.  
(k) Major Rural Home Occupations.  
(l) Nursing homes.  
(m) Parks, playgrounds and community centers.  
(n) Public and private schools.  
(o) Radio and television transmission facilities.  
(p) Rock, sand, gravel, loam excavation, extraction of mineral resources with incidental processing.  
(q) Solid waste disposal facilities.  
(r) Stables, riding academies and commercial riding.  
(s) Storage facilities for boats and recreational vehicles.  
(t) Sewage treatment facilities.  
(u) Transportation facilities and uses as specified in LC 10.500-15(14) through (17).  
(v) Other uses similar to the above and not specifically authorized in this chapter.

(2) Special Uses shall be approved by the Hearings Official, unless there is a specific finding that the proposed use or activity will result in one of the following:

(a) Will adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(b) Be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(c) Be unduly potentially affected by natural hazards, such as floods, slides or faults.

(d) Result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(e) Result in significant undue water or air pollution. In making this determination, at least the following may be considered:

(i) The relation to floodplains.  
(ii) The nature of soil and subsoil and their ability to adequately support waste disposal.  
(iii) The slope of the land and its effect on effluents.  
(iv) The availability of streams approved or capable of being approved for the disposal of treated effluents.  
(v) Applicable climactical conditions.  
(vi) The applicable water and air regulations.

(f) Not have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(g) Cause an unreasonable burden on existing or future community facility systems.

(h) Cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy or otherwise undesirable condition.



10.113-30 Lane Code 10.113-95  
(i) Cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.  
(j) Place an unreasonable burden on the ability of local governmental agencies to provide public services. *(Revised by Ordinance No. 16-80, Effective 9.27.80; 16-83, 9.14.83; 10-04, 6.4.04)*

**10.113-30 Setback Requirements.**

The minimum setback distance for any main or accessory building in the General Rural II District shall be those specified in LC 15.065 through 15.095. *(Revised by Ordinance No. 16-80, Effective 9.27.80)*

**10.113-40 Area.**

(1) The minimum area for the division of land shall be 10 acres except that a division of land for less than 10 acres is permissible for uses permitted under LC 10.113-10 (8) above and uses approved under LC 10.113-20 above.

(2) For each accessory dwelling or mobile home unit approved conditionally under LC 10.113-15(1)(a) above, the lot shall contain an average area of five acres per such accessory unit.

(3) A special exception to the minimum area requirements of this section may be approved in accordance with LC 10.350, "Special Exceptions to Minimum Area Requirements." *(Revised by Ordinance No. 16-80, Effective 9.27.80)*

**10.113-95 Telecommunication Towers.**

Notwithstanding the requirements in LC 10.113-05 through -40 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400 and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

10.122-10 Lane Code 10.122-30

(2) Lands recognized by the Plan as suitable for conversion from urbanizable to urban uses at some future date. The /U Combining District must be used in conjunction with another primary district to establish land use standards. It may be used where appropriate in conjunction with any other district in accordance with the specific Comprehensive Plan provisions relating to the respective city urban growth boundary. *(Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)*

**10.122-10 Permitted Buildings and Uses.**

All buildings and uses permitted in the respective district with which the /U District is combined, except as herein specifically modified. *(Revised by Ordinance No. 15-79, Effective 12.1.79; 7-08, 12.31.10)*

**10.122-13 Special Uses--Planning Director Review.**

All buildings and uses subject to the approval of the Planning Director, pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, in the respective district with which the /U District is combined, except as herein specifically modified. *(Revised by Ordinance No. 10-82, Effective 7.9.82; 16-83, 9.14.83; 7-08, 12.31.10)*

**10.122-14 Special Uses--Hearings Official's Approval.**

All buildings and uses subject to the approval of the Hearings Official, pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~, in the respective district with which the /U District is combined, except as herein specifically modified. *(Revised by Ordinance No. 10-82, Effective 7.9.82; 16-83, 9.14.83; 7-08, 12.31.10)*

**10.122-15 Conditional Uses.**

All buildings and uses permitted conditionally in the respective district with which the /U District is combined, except as herein specifically modified. *(Revised by Ordinance No. 15-79, Effective 12.1.79; 7-08, 12.31.10)*

**10.122-20 Site and Development Requirements.**

The requirements for yards, setbacks, coverage, vision clearance, height and parking shall be the same as provided in the respective district with which the /U District is combined, except as herein specifically modified. *(Revised by Ordinance No. 15-79, Effective 12.1.79; 10-82, 7.9.82)*

Florence Urban Growth Boundary

**10.122-25 Location.**

The /U Combining District is for the purpose of reviewing land within those areas that are considered transitional and/or marginal; conditions which could either restrict and/or limit urban and semi-urban uses. *(Revised by Ordinance No. 10-82, Effective 7.9.82)*

**10.122-30 Lot Area.**

(1) For land within the Florence UGB that is within the North Florence Dunal Aquifer boundary, as designated by the U.S. Environmental Protection Agency in September, 1987, no land divisions shall be allowed prior to annexation to the City. *(Revised by Ordinance No. 10-82, Effective 7.9.82; 2-83, 4.1.83; 7-08, 12.31.10)*

Eugene-Springfield Urban Growth Boundary

10.181-15 Lane Code 10.181-25

(4) Recognition, within the County Comprehensive Plan, of the appropriateness of the District on lands so designated.

The /SI Combining District may be applied in combination with parent Industrial Zoning Districts M-1, M-2 and M-3, where such combination is recognized in the Comprehensive Plan as being appropriate. Provisions of the M-1, M-2 and M-3 Districts are not rendered less restrictive by application of the /SI Combining District. *(Revised by Ordinance No. 20-80; Effective 11.14.80; 16-83, 9.14.83)*

**10.181-15 Special Uses--Director Review.**

The following uses are subject to approval by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~.

(1) When combined with the M-1 District, all buildings and uses specifically listed in the M-1 District as permitted buildings and uses, and not to include those buildings and uses otherwise referenced by inclusion within another District.

(2) When combined with the M-2 and M-3 Districts, all buildings and uses specifically listed in the M-1 and M-2 Districts as permitted buildings and uses, and not to include those buildings and uses otherwise referenced by inclusion within another District. *(Revised by Ordinance No. 20-80; Effective 11.14.80; 16-83, 9.14.83)*

**10.181-20 Special Uses--Hearings Official's Approval.**

The following uses are subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~:

(1) When combined with the M-1 District, all conditional uses allowable within the M-1 District.

(2) When combined with the M-2 District, all conditional uses allowable within the M-1 and M-2 Districts.

(3) When combined with the M-3 District:

(a) All buildings and uses specifically listed as a permitted building and use within the M-3 District.

(b) All conditional uses allowable within the M-3 District. *(Revised by Ordinance No. 20-80; Effective 11.14.80; 16-83, 9.14.83)*

**10.181-25 Special Use Criteria.**

Special uses authorized by LC 10.181-15 and 10.181-20 above shall be approved only upon submission of evidence the following criteria are met:

(1) LC 10.181-15:

(a) That the location, design, size, shape and arrangement of the uses and structures are in scale and are compatible with the surroundings.

(b) That there is a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses, resulting in an attractive, healthful and pleasant environment for living, shopping or working.

(c) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(d) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(e) That suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

10.182-20 Lane Code 10.182-20

- (d) Mint distilleries.
- (e) Seed processing, packing, shipping and storage.
- (f) Plants for the storage or packing of agricultural products on the premises.
- (g) Wine processing.
- (h) Any other similar processing and allied farm commercial activities.
- (5) Sale of agricultural products and livestock grown or raised on the premises.
- (6) Sales stands for agricultural products not grown nor raised on the premises, such stands to be no greater than 300 square feet in sales area.
- (7) Single-family dwellings and mobile homes for persons employed on the premises and associated with a use allowed in the M-4 District.
- (8) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
- (9) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).
- (10) Public and semipublic buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells, and electric transmission lines.
- (11) Kennel, provided the following conditions are satisfied:
  - (a) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
  - (b) Where the lot area is less than 20 acres, the maximum number of dogs over four months of age shall be eight.
  - (c) Where lot area is a minimum of 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from an adjoining property.
  - (d) All dogs shall be owned by the kennel owner, except those temporarily kept for the purposes of breeding.
- (12) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 10-82; Effective 7.9.82; 10-04, 6.4.04)*

#### **10.182-20 Special Uses --Hearings Official's Approval.**

The following uses area subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~.

- (1) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (2) Sales stand for agricultural products not grown nor raised on the premises and which exceed 300 square feet in sales area.
- (3) Airport, heliport or aircraft landing field associated with a use allowed in the M-4 Districts.
- (4) Carnival or circus, outdoor.
- (5) Sanitary landfill or resource recovery related facility.
- (6) Rock, sand, gravel and loam excavation.
- (7) Sewage treatment plant.
- (8) Stable and academy, commercial riding.
- (9) Radio or TV transmission tower.
- (10) Facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.

10.182-25 Lane Code 10.182-25

(11) Expansion of a lawful preexisting use in excess of that allowed as a permitted use; change of use of lawful pre-existing structures to a use not otherwise allowed as an authorized use in the M-4 District.

(12) Uses primarily engaged in the processing, preparing and storage of the following uses and which are not otherwise allowed in the M-2 District.

(a) Food products (such as meat and poultry packing, fruit and vegetable canning, fish and seafood canning or curing).

(b) Lumber and wood products (such as sawmills, planing mills, millworks, pulp and paper mills, paperboard manufacturers)

(c) Stone, clay and concrete products (such as asphalt manufacturing or refining plants, brick or tile manufacturing, quarry or stone rock crushing, concrete block and related products manufacturing).

(d) By-products and waste products from other manufacturing processes (such as fertilizer, chemicals, fuels).

(e) Other uses similar to the above.

(f) Commercial and other industrial uses customarily associated with and incidental to the above uses.

(13) The relocation from within Lane County of other heavy industrial uses which require large amounts of land and are not otherwise allowed in the M-2 District.

(14) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 10-82; Effective 7.9.82; 16-83, 9.14.83; 10-04, 6.4.04)*

#### **10.182-25 Special Use Criteria.**

Special uses authorized by LC 10.182-20 above shall be approved only upon submission of evidence the following criteria are met:

LC 10.182-20(1) through (10) above.

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

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

(b) 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 intensity of use; 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), and either

(2) The proposed use can reasonably be expected to be discontinued at the time of conversion of the general vicinity from urbanizable to urban industrial use, and approval can be conditioned accordingly, or

(3) The proposed use:

(a) Will be convertible to or compatible with the future, efficient urban industrial use of the property and the general vicinity as provided in the Comprehensive Plan, and

(b) Will not require nor generate the need for the premature extension of key urban facilities and services, based upon existing long-range public facility plans to provide such services to the area and other information provided by the agency or agencies responsible for the future provision of the services.

LC 10.182-20(11) above.

(4) As listed above for LC 10.182-20(1) through (10); and

(5) Where either water or sewage disposal facilities are not to be provided by a city or an existing public or private utility or special district:

10.182-30 Lane Code 10.183-05

(a) Demonstration of the ability to provide such adequate on-site facilities in a manner which will be compatible with any existing long-range public facility plans to provide such services to the area and which otherwise will not result in the creation of a new, special service district, and

(b) No short-term alternative exists for the provision of such services by a city or an existing public or private utility or special district, and

(c) The owner of the property has signed an agreement with the adjacent city which provides:

(i) The owner and his or her successors in interest are obligated to support annexation proceedings should the city, at its option, initiate annexation, and

(ii) The owner and his or her successors in interest agree not to challenge any annexation of the subject property.

(d) The agreement required in LC 10.182-25(5)(c) above shall be recorded in the Lane County Deed Records.

LC 10.182-20(12 and 13).

(6) As listed above in LC 10.182-25(5). *(Revised by Ordinance No. 10-82; Effective 7.9.82)*

#### **10.182-30 Lot Area.**

The minimum area for the division of new lots shall be 40 acres, except divisions of less than 40 acres shall be permitted when:

- (1) The land is in the ownership of the person who owned the land on or before (the effective date of this subchapter), and
- (2) Only one new parcel of less than 40 acres will result, and
- (3) A specific development proposal for a use authorized in this District is submitted for the proposed parcel of less than 40 acres. *(Revised by Ordinance No. 10-82; Effective 7.9.82)*

#### **10.182-35 Other Site and Development Requirements.**

The requirements for setbacks, coverage, vision clearance and off-street parking shall be the same as provided in the M-3 District. *(Revised by Ordinance No. 10-82; Effective 7.9.82)*

#### **10.182-95 Telecommunication Towers.**

Notwithstanding the requirements in LC 10.182-05 through -35 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400 and with applicable requirements elsewhere in LC Chapter 10 including but not necessarily limited to: the Floodplain Combining Zone (LC 10.271); Greenway Development Permit (LC 10.322); the Coastal Resource Management Combining Zones (LC 10.240, 10.245, 10.250, 10.255, 10.260, 10.265, and 10.270); and Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

### **INDUSTRIAL-COMMERCIAL URBANIZING COMBINING DISTRICT (ICU)**

#### **10.183-05 Purpose.**

The Industrial-Commercial Urbanizing Combining District (ICU) is intended to insure that:

- (1) Any development in an urbanizable area be designed to conform to the development standard of the city to which the property will ultimately be annexed, and thus be usable for industrial or commercial use;



10.183-10 Lane Code 10.183-15

(2) Any development will not be developed in such a manner as to inhibit the development of nearby parcels to urban-intensity; and

(3) Expansion and urbanization occur in an orderly manner.

The /ICU District is applied to properties which are located within an adopted urban growth boundary and are capable of accommodating additional industrial or commercial development. The /ICU Combining District may only be used in conjunction with another District. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.13.83)*

#### **10.183-10 Permitted Uses.**

The following 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.

(1) Lawful uses existing on a property at the time of the effective date of the application of this District to the property, and expansion or replacement of such uses, upon meeting the requisites of LC 10.183-40 below.

(2) The following agricultural uses:

(a) General farming, including, but not limited to, the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed and similar food and fibre products.

(b) Pastures and grazing.

(c) The raising, tending or breeding of cattle, horses, sheep, goats, bees, swine, fowl or fur-bearing animals; such animal husbandry shall not be a part of, nor be conducted in conjunction with, any livestock yard, slaughter house or animal by-product business.

(d) Dairying.

(3) The management, growing and harvesting of forest products, including Christmas tree raising, but excluding primary timber processing operations or vehicles and/or equipment maintenance facilities.

(4) Sale of agricultural products and livestock grown or raised on the premises.

(5) Sales stands for agricultural products not grown nor raised on the premises, such stands to be no greater than 300 square feet in sales area.

(6) One single-family dwelling per lot or one mobile home per lot in conjunction with a farm use or in conjunction with the management, growing or harvesting of forest products.

(7) Accessory buildings and uses customarily provided in conjunction with a use permitted in this subsection.

(8) Minor Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions). *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83)*

#### **10.183-15 Special Uses--Director Review.**

The following uses are subject to approval by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~, and are also subject to approval by the adjacent city according to LC 10.183-30 below.

(1) Mobile homes for persons employed on the premises.

(2) Sales stands for agricultural products not grown nor raised on the premises where such stands exceed 300 square feet in sales area.

(3) All other uses listed as permitted in the District with which the /ICU District is combined. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 16-83, 9.14.83)*

10.183-20 Lane Code 10.183-35

**10.183-20 Special Uses--Hearings Official's Approval.**

The following uses are subject to approval by the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~ and are also subject to approval by the adjacent city according to LC 10.183-30 below.

(1) Major Rural Home Occupations (see LC 10.342 for Rural Home Occupation provisions).

(2) Camping vehicle parks.

(3) Campgrounds.

(3) All other uses listed as requiring conditional use approval in the District with which the /ICU District is combined. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83, 16-83, 9.14.83 )*

**10.183-25 Additional Use Limitations--Special Light Industrial Lands.**

For land designated /ICU-50, special uses authorized by LC 10.183-15 and -20 above shall be further limited to such uses which are also authorized in either Eugene City Code Section 9.442, I-1 Special Industrial District, or Springfield Zoning Code Section 5.01, ML Special Light Industrial District, whichever city is adjacent to the property. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82)*

**10.183-30 Review of Special Uses by Adjacent City.**

For special uses authorized in LC 10.183-15 and -20 above, the following additional procedures shall apply relative to the required approval of the adjacent city:

(1) The Department shall refer the application to the adjacent city for appropriate action.

(2) The adjacent city shall take action on the application in accordance with the criteria provided in LC 10.183-35 and with the requirements provided in LC 10.183-50 below and shall report back to the Department on its finding. Failure to officially notify the Department of its finding of consistency with the criteria set forth in LC 10.183-35 below within 30 days from the date of receipt of the referral from the Department shall constitute a recommendation of consistency by the city.

(3) The Planning Director or Hearings Official, as the case may be, shall then take action on the special use application. If the County official's action is inconsistent with the finding of the adjacent city, the official shall make and enter findings from the record and conclusions therefor which support the decision, and the findings and conclusions shall specifically and particularly respond to the finding of the adjacent city. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83)*

**10.183-35 Special Use Criteria.**

Special uses authorized by LC 10.183-15 and -20 above shall be approved only upon submission of evidence the following criteria are met:

(1) The use will not generate, singly or in the aggregate, an additional need for key urban facilities and services: unless the applicant executes an annexation agreement as specified in LC 10.183-45(3)(b) below.

(2) For special uses as provided in LC 10.183-20(4) above, all other criteria applicable to a conditional use required by the District with which the /ICU District is combined.

(3) The use will be designed to conform to the development standards to the city to which the property will most likely be annexed as set forth in LC 10.183-50 below. *(Revised by Ordinance No. 18-82 As Amended, Effective 8.13.82; 11-83, 4.1.83)*



10.205-81 Lane Code 10.205-81  
such application the Board shall consider the application and, if the Board shall determine that the site improvement standards have been performed on specified acreage, then the bond shall be released as to such acreage.

(3) If acreage excavated is not restored according to the applicable site improvement standards, the County or its designated representative may enter upon such property, make the required improvements, and present the operator and the corporate surety with a statement of expenses. The surety bond shall guarantee payment to the County for its expenses incurred, not to exceed \$500 per acre. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

#### **10.205-81 Administration.**

(1) Sand and Gravel Review Committee. A Sand and Gravel Review Committee, hereinafter designated the Review Committee, is hereby established and authorized to determine if operating plans or revised plans comply with the requirements of this chapter and with a river plan which may be adopted by the Board.

(a) Membership. The Review Committee shall consist of the following members:

(i) The Planning Director, who shall act as Review Committee Secretary.

(ii) The Public Works Director.

(iii) The Parks and Recreation Director.

(iv) The Director of Building and Sanitation Department (Chief Sanitarian).

(b) Advisory Board. The Review Committee may appoint an advisory board of at least five members. Meetings of the advisory board shall be called by the Review Committee for the purpose of assisting in the development of a river plan, and in particular to make recommendations regarding operations along rivers and streams.

The advisory board shall include:

(i) A member of the Soil Conservation Service.

(ii) A member from a local conservation group.

(iii) A member from the general public.

(iv) A member from the sand and gravel, industry and an alternate, in case this member's firm is being considered by the Review Committee.

(v) A member of a Lane County farm organization.

(vi) Any other appropriate person.

(c) Written Records. The Review Committee and advisory board shall keep written records of all their deliberations.

(d) Referrals. Upon receiving the operating plan or revised plan, the Director shall immediately forward, together with notification of scheduled meeting time and place of the Review Committee, eight copies to the clerk of the Oregon Land Board, two copies to the US Corps of Engineers or other appropriate hydrologic agency, and one copy to the State Water Resources Board. One copy of the plan, or a summary thereof, shall also be referred to each member of the advisory board.

(e) After obtaining the necessary permits of the Oregon State Land Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall, within seven days, approve the plans or require modification in the plans to conform with the requirements of this chapter and with a river design plan which may be adopted by the Board.

(f) The operator shall be allowed to proceed in accordance with the approved or modified plans. The Director of Public Works shall be charged with the duty

10.205-82 Lane Code 10.205-82  
of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 10.400 of this chapter. The operator shall then be subject to the penalties of LC 10.990 of this chapter, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

(g) Decisions by the Review Committee pursuant to LC 10.205-81(1)(e) above may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.

(2) Variances. Variances to dimensional standards such as setbacks and slope ratios within this district are subject to approval by the Director pursuant to LC Chapter 14.100 and must conform to the following criteria:

(a) The variance is not in conflict with the general purpose and intent of the district;

(b) There are exceptional or extraordinary circumstances applicable to the property involved;

(c) The denial of the request would result in undue and unreasonable property loss to the applicant;

(d) The variance will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of other property. (*Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82; 16-83, 9.14.83*)

#### **10.205-82 Materials to be Filed.**

The following materials must be filed with the Director by any person conducting the use specified in LC 10.205-10(1) above within a Sand, Gravel and Rock Products District:

(1) Vertical aerial photograph of all land included in the plan of operations required in LC 10.205-82(5) below enlarged to a scale no smaller than one inch to 200 feet, which is certified by the photographer to have been photographed not more than one year prior to submission. Photographs taken prior to one year from the date of submission may be submitted, if accompanied by a signed declaration of the owner that there have been no substantial changes in land form.

(2) A legal description of the property described above.

(3) A general boundary map, in reproducible form, of the property under the applicant's control, drawn on assessor's maps or the equivalent, or an overlay for the aerial photograph showing boundaries of the property.

(4) Identification of public roads providing direct access to the property.

(5) A general plan of operation in transparent overlay form shall be filed with the Director, containing the following information:

(a) Areas of existing and proposed settling ponds and washing plant facilities.

(b) Areas of existing and proposed processing facilities and stockpiles.

(c) Areas of existing and proposed facilities for resource-related operations.

(d) Areas proposed for excavation, showing adjacent setback areas.

(e) A statement on the transparent overlay, or in text form, specifying the approximate acreage for each of said areas and the average thickness of overburden and topsoil in the areas proposed for excavation.

(f) A series of typical cross sections of excavated areas and areas proposed for excavation which are related directly to the aerial photograph of the area,

**SAND, GRAVEL & ROCK PRODUCTS—  
CONTROLLED PROCESSING DISTRICT (SG/CP)**

**10.210-05 Purpose.**

The provisions of the Sand, Gravel & Rock Products - Controlled Processing District (SG/CP) are intended to provide more restrictive control of processing activities than the Sand, Gravel & Rock Products District (S-G), for the purpose of encouraging the preservation and orderly extraction of sand and gravel deposits and for the protection of surrounding properties by the exercise of greater control over the location and operation of sand and gravel extraction processing activities. It is further intended by the establishment of the SG/CP District that the Comprehensive Plan for Lane County and any pertinent special studies shall be used as a basis to determine where this district would be more appropriate than the S-G District. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.210-20 Regulations.**

The requirements of the SG/CP District shall be the same as provided in the S-G District (LC 10.205), except as expressly provided in this Section.

(1) Land Use Compatibility as Operation Standard. The Sand and Gravel Review Committee shall evaluate, in its consideration of operational plans as provided in LC 10.205-81, the location for the erection or enlargement of all processing equipment and activities, including but not limited to asphalt paving-mix and cement concrete batching plants, by the criteria set forth for conditional use permits in this chapter (LC 10.320-20). In addition to these criteria, the Review Committee shall consider compliance with the adopted Comprehensive Plan of Lane County and shall further consider special studies which have been developed for the subject area. Notwithstanding the provisions of LC 10.205-81(1)(e), the Committee shall disapprove all or a part of any portion of any operations plan involving such processing equipment or activities which, in the Committee's judgment, do not conform to the above-described criteria, plans, or studies.

(2) Administration.

(a) In addition to the same administrative procedures as provided in LC 10.205-81(1)(a) through (d), the following procedures shall apply for (1) processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, and for (2) operations plans which include a request to vary the minimum setback dimensions provided in LC 10.205-21(1) from an SG/CP district boundary.

(i) Review Committee Action. Within seven days after obtaining the necessary recommendations of the Oregon State Land Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall (a) approve the plans or require modification in the plans to conform with the requirements of this chapter and with a river design plan which may be adopted by the Board, or (b) disapprove the plans as authorized in LC 10.210-20(1), above.

The Review Committee shall follow LC ~~Chapter 14.100~~ when approving, modifying or denying plans. Decisions by the Review Committee ~~pursuant to LC 14.100~~ may be appealed in the same manner as provided for in LC ~~Chapter 14.500~~ for appeals of decisions by the Director.

(ii) Approved Plans. The operator shall be allowed to proceed in accordance with the plans as finally approved by the Sand and Gravel Review Committee, or Board of Commissioners in the event of appeal. The Director of Public

10.220-05 Lane Code 10.220-06

Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 10.400 of this chapter or other applicable laws. The operator shall then be subject to the penalties of LC 10.990 of this chapter or other applicable law, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

Variances to dimensional standards provided in LC 10.205-21 shall be considered by the Review Committee as a part of the consideration of operational plans and are subject to the same standards and criteria contained in LC 10.205-81(2).  
(Revised by Ordinance No. 13-72, Effective 7.21.72; 16-83, 9.14.83)

## **QUARRY AND MINE OPERATIONS COMBINING DISTRICT (/QM)**

### **10.220-05 Purpose.**

The purpose of the Quarry and Mine Operations Combining District is to:

- (1) Recognize that minerals and materials within the County are an unrenewable resource, and that extraction and processing are beneficial to the economy of the County and the welfare of its people.
- (2) Protect major deposits of minerals, rock and related material resources with appropriate zoning.
- (3) Establish procedures for the protection of public health and safety on and adjacent to land where quarry and mine blasting operations are occurring.
- (4) Establish County standards in Chapter 10 of the Lane Manual to be used in reviewing referrals from State and Federal Agencies of Operation and Reclamation Plans, pollution control permits and similar permits.
- (5) Provide for cooperation between private and governmental entities in carrying out the purposes of this chapter. (Revised by Ordinance No. 26-78, Effective 3.16.79; 7-79, 7.11.79)

### **10.220-06 Intent.**

The Quarry and Mine Operations Combining District shall be available for consideration and use by the County for new or existing operations when requests are received as part of an area-wide or legislative rezoning, or a specific property or quasi-judicial rezoning.

The Approved Authority for such rezonings, shall apply site review procedures as provided in LC 10.335-15(5) as part of the rezoning of a property to ensure that the purpose and requirements of this section are met. In addition to the standard site review criteria (LC 10.335-20), the Approved Authority may, at the time of such zoning, establish other specific site review considerations for a property rezoned under the Quarry and Mine Operations (/QM) Combining District.

When property under consideration for /QM zoning is in close proximity to existing and planned uses potentially incompatible with /QM uses, the application of the Quarry and Mine Operations Combining District may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.

The Quarry and Mine Operations Combining District is intended to be applied only to those operations which will be in operation for 10 years or more and will have an average annual extraction of 30,000 cubic yards or more. Smaller, less intense operations of short term or intermittent duration should be provided pursuant to the Conditional Use provisions of this chapter or, where appropriate, the Forest Management zone which provides for quarrying and mining under certain circumstances.

10.230-15 Lane Code 10.230-20

Conditional Use

**10.230-15 Special Uses Approved by Planning Director.**

The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to Type II limited land use ~~the~~ procedures set forth in LC Chapter 14.150 ~~Chapter 14.150~~ upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 230-25, and the purpose of the NE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.230-30. A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) Bridge crossing support structures and dredging necessary for their installation; and dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels.

(2) Expansion of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4.8.81; 6-83, 4.15.83; 7-91, 6.5.91; 16-11, 2.9.17)*

**10.230-20 Conditional Uses.**

The Hearings Official, subject to ~~the procedures and conditions~~ Type III procedures of LC Chapter 14 ~~set forth in LC 14.300~~, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.230-25, and the purpose of the NE-FCP Zone, and upon satisfaction of the all of the applicable criteria in LC 10.230-30 and below. A Resource Capability Assessment is required as set forth in LC 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

(2) Communication facilities.

(3) Active restoration of fish and wildlife habitat or water quality and estuarine management.

(4) Boat ramps for public use where no dredging or fill for navigational access is needed.

(5) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

(6) Temporary alterations, subject to the requirements in the introduction to Conditional Uses and the following additional criteria: the alteration must support a use expressly allowed in this Management Unit in the Florence Comprehensive Plan; it must be for a specified short period of time, not to exceed three years, and the area and affected resources can be restored to their original condition.

(7) Short-term fills for temporary alterations provided the estuarine areas impacted must be restored following removal of the fill. All other fills, regardless of volume, are prohibited in this Management Unit.

(8) Installation of new riprap for protection of uses existing as of October 7, 1977, unique natural resource, historical and archaeological values; and public facilities. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 5-81, 4-8-81; 6-83, 4.15.83; 16-83; 9.14.83; 7-91, 6.5.91; 16-11, 2.9.17)*



10.235-15 Lane Code 10.235-25  
permits. Such maintenance must not increase the size, extent, or scope of the riprap, or otherwise alter the estuary.

(3) Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing structure, or otherwise alter the estuary. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91; 10-04, 6.4.04; 16-11, 2.9.17)*

#### **10.235-15 Special Uses Approved by the Planning Director.**

The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to ~~Type II limited land use the~~ procedures set forth in LC ~~Chapter 14-150~~ upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in LC 10.235-25, and the purpose of the CE-FCP Zone; and upon satisfaction of the applicable criteria in LC 10.235-30.A Resource Capability Assessment is required as set forth in LC 10.225-10 except for major projects requiring an Estuarine Impact Assessment as set forth in LC 10.225-15.

(1) All uses permitted through a Special Use Permit in the Natural Estuary Zone in LC 10.230-15.

(2) Expansion of existing riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit approval. The existing riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 6-83, 4.15.83; 16-83, 9.14.83; 16-11, 2.9.17)*

#### **10.235-20 Conditional Uses.**

The Hearings Official, subject to the ~~procedures and conditions set forth in Type III procedures of LC Chapter 14-300~~, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in 10.235-25, and the purpose of the CE-FCP Zone, and upon satisfaction of all of the applicable criteria in LC 10.235-30 and -35. A Resource Capability Assessment is required as set forth in 10.225-10, except for major projects requiring an Estuarine Impact Assessment as set forth in 10.225-15.

(1) All Conditional Uses in the Natural Estuary Zone in LC 10-230-20.

(2) Water-dependent uses requiring occupation of water surface area by means other than dredge or fill (e.g., on pilings or floating), including mooring buoys which are permanently anchored to estuary floor, dolphins, docks and piers, and other such uses.

(3) High-intensity water-dependent recreation, including public beaches, boat ramps, marinas and new dredging for boat ramps and marinas.

(4) Minor navigational improvements.

(5) Aquaculture requiring dredge or fill or other alteration of the estuary.

(6) Active restoration for purposes other than those listed above.

(7) Installation of new riprap, provided the riprap is necessary to protect an existing use or a use that is permitted outright or with Special Use Permit or Conditional Use Permit approval. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.235-25 Consistency with Resource Capabilities.**

A use or activity is consistent with the resource capabilities of the Conservation Estuary Zone when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to

## **PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-FCP)**

### **10.245-05 Purpose and Application.**

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

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

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

### **10.245-10 Permitted Uses.**

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

(1) Harvesting of wild crops.

(2) Low-intensity recreation.

(3) Shore-secured floating moorages, mooring buoys, and other moorage facilities not physically anchored in adjacent lakes. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 6-83, 4.15.83; 16-11, 2.9.17)*

### **10.245-15 Special Uses Approved by the Planning Director.**

The following specified uses are permitted only with a Special Use Permit. ~~A Special Use Permit may be approved~~ according to ~~the Type II limited land use~~ procedures set forth in ~~Lane Code 14.150~~ **LC Chapter 14** provided all criteria below and the requirements set forth in LC 10.245-30, -35, and -40 are met, unless specifically exempted below.

10.245-20 Lane Code 10.245-20

County staff will provide the Oregon Department of Fish and Wildlife 14 days to review and comment on the impact of development on critical habitats and will request suggestions concerning ways to avoid or mitigate identified adverse impacts.

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

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

(a) The subject parcel existed prior to July 24, 1980.  
(b) The structures shall not occupy more than 30 percent of the lot area.  
(c) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

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

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

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

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

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

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

(g) All requirements set forth in LC 10.245-30 and -35, below. (*Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 13-82, 7.9.82; 16-11, 2.9.17*)

#### **10.245-20 Conditional Uses.**

The Hearings Official, subject to Type III procedures of LC Chapter 14~~the procedures and conditions set forth in Lane Code 14.300~~, may grant a Conditional Use Permit for the following uses, provided all criteria below and the requirements set forth in LC 10-245-30 and -35 below are met, unless specifically exempted below. County staff will provide the Oregon Department of Fish and Wildlife 14-days to review and comment on the impact of development on critical habitats and request suggestions concerning ways to avoid or mitigate identified adverse impacts.

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

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

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



10.245-25 Lane Code 10.245-30

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

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

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

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

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

(a) Maintain the natural quality of surface and subsurface waters.

(b) Maintain bank stability.

(c) Avoid sedimentation of coastal waters including lakes.

(d) Maintain a buffer at least comparable to that required in LC 10.245-30 and -35 below or greater if necessary to provide flood control and preserve important wildlife habitat.

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

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

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

#### **10.245-25 Prohibited Uses.**

The following uses are specifically prohibited:

(1) Fill in coastal lakes.

(2) Fill in freshwater marsh areas.

(3) Dredged material disposal. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 16-11, 2.9.17)*

#### **10.245-30 Site and Development Requirements.**

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

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

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

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

(4) Outside the setback area, construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that

**10.250-15 Special Uses Approved by the Planning Director.**

In addition to the Special Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to ~~the Type II limited land use~~ procedures ~~set forth in Lane Code 14.150~~ of LC Chapter 14 upon satisfaction of the applicable criteria set forth in LC 10.250-30 and -35, except as expressly exempted below and except as expressly prohibited by LC 10-250-25, and provided they are consistent with the requirements of the adjacent Estuary Zone.

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

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

- (a) The said parcel existed prior to July 24, 1980.
- (b) The structures must not occupy more than 30 percent of the lot area.
- (c) All applicable height restrictions are observed.
- (d) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

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

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

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

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

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

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

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

**10.250-20 Conditional Uses.**

In addition to the Conditional Uses specifically allowed in the adjacent Estuary Zone, the Hearings Official, subject to ~~the procedures and conditions set forth in Lane Code 14.300,~~ Type III procedures of LC Chapter 14 may grant a Conditional Use Permit for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in LC 10.250-30 and -35 are met and they are found to be consistent with the requirements of the adjacent Estuary Zone.

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

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

10.250-20 Lane Code 10.250-20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.255-15 Lane Code 10.255-20  
requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30:

- (1) Harvesting of wild crops.
- (2) Low intensity recreational activities.
- (3) Uses and buildings permitted outright in the base zone.
- (4) In or adjacent to lake: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. For these uses in or adjacent to the estuary, the applicable Estuary Zoning requirements apply.

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

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

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

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

#### **10.255-15 Special Uses Approved by the Planning Director.**

In addition to Special Uses specifically allowed in the adjacent Estuary Zone, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures ~~set forth in Lane Code 14.150, Type II limited land use procedures of LC Chapter 14~~ upon affirmative findings of consistency with all of the requirements of an adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30. In addition, uses and buildings permitted in the base zone where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in LC 10.255-25 and -30, are subject to the following criteria:

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

#### **10.255-20 Conditional Uses.**

In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone, the following specified uses and no others are permitted, subject to approval by the Hearings

10.255-20 Lane Code 10.255-20

Official. The Hearings Official, subject to ~~the procedures and conditions set forth in LC 14.300, Type III procedures of LC Chapter 14~~ may grant a Conditional Use Permit for the following uses, when consistent with all of the requirements of the adjacent Estuary Zone and applicable site development requirements listed in LC 10.255-25 and -30 and upon satisfaction of all applicable criteria.

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

(a) All applicable criteria provided within the base zone are met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



10.255-25 Lane Code 10.255-25

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

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

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

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

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

#### **10.255-25 Site and Development Requirements.**

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

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

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

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

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

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

(a) Foot paths

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

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

10.260-25 Lane Code 10.260-30  
Engineers and other interested agencies and persons, or the site is removed from the adopted, revised Siuslaw River Dredged Material Disposal Plan. However, sites that have reached their filling capacity which can be reconfigured to accept more material must be retained. A determination that fill capacity has been reached must be based upon the recommendation of the Army Corps of Engineers and other interested agencies and persons.

(2) The re-classification of any applicable dredge material disposal site protection combining zone requires positive findings that one or both of the conditions in Criteria #1 are met, following public hearing.

(3) Stabilization of Dredged Materials: The Port of Siuslaw, the Corps of Engineers or other lead agency have the responsibility to stabilize any dredged materials deposited on a site. Stabilization must be done with appropriate vegetation after the materials are appropriately drained. These requirements for stabilization are not applicable to in- water or beach nourishment sites designed to be erosive/dispersive.

(4) Sites designated for "stockpile" use, where the spoils will be hauled away and the site used again for spoils, must be retained and zoned as a disposal site until such time as an appropriate alternative for disposal is zoned and the "stockpile" site is deleted in the adopted, revised Siuslaw River Dredged Material Disposal Plan for the estuary.

(5) Temporary use of dredged material disposal sites is permitted, providing no permanent facilities or structures are constructed or no man-made alterations take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in the Florence Comprehensive Plan and Lane Code.

(6) Dredge spoil disposal must provide adequate run-off protection and, wherever possible, maintenance of a riparian strip along the water. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.260-25 Conditional Uses.**

In addition to Conditional Uses specifically allowed in the adjacent Estuary Zone and in the Coastal Combining Zone, the Hearings Official, subject to ~~the procedures and conditions set forth in Lane Code 14.300~~Type III procedures of LC Chapter 14, may grant a Conditional Use Permit for temporary uses permitted outright or conditionally in the base zone when found to be consistent with the requirements of the Coastal Combining Zone and adjacent Estuary Zone and the criteria below.

(1) No use is permitted that would interfere with the timely availability of sites for deposition of dredged materials.

(2) Stock pile sites must remain open and available for removal as well as deposition of dredged material.

(3) Recommendations of the Port of Siuslaw must be weighed heavily in consideration of proposed use. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

#### **10.260-30 Notification of Port of Siuslaw.**

Applications for permits or actions on designated sites for dredged material disposal or mitigation/restoration require notification in writing to the Port of Siuslaw within ten (10) days of receipt of application. Application for permits or actions including, but not necessarily limited to, the following require notification:

- (1) Conditional use permit.
- (2) Special use.
- (3) Building permit.
- (4) Rezoning. *(Revised by Ordinance No. 16-11, Effective 2.9.17)*

**10.271-20 Warning and Disclaimer of Liability.**

The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder. *(Revised by Ordinance No. 3-91, Effective 5.17.91)*

**10.271-25 Development Subject to Director Approval.**

Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, recreational vehicles as provided for by this section, and "development" as defined in LC 10.271-27. Application for approval shall be filed with the Department ~~pursuant to LC 14.050~~ according to Type I procedures of LC Chapter 14. *(Revised by -Ordinance No. 3-91, Effective 5.17.91; 1-07, 3.23.07))*

**10.271-27 Definitions.**

Except as otherwise provided in LC 10.271-27, the definitions below shall be used for LC 10.271.

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

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

Development. For the purposes of LC 10.271-27, development is defined in LC 10.020, and shall include dredging, paving, and drilling operations and the storage of equipment and materials.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.



10.271-30 Lane Code 10.271-35  
identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. *(Revised by Ordinance No. 1-07, Effective 3.23.07)*

### **10.271-30 Designation of Administrator.**

The Director shall:

(1) Review all development applications to determine that the permit requirements of this section have been satisfied.

(2) Review all development applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development applications to determine if the proposed development is located in the floodway; and if in the floodway, assure that the encroachment provisions of this section are satisfied.

(4) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon, unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer this section.

(5) Where base flood elevation data is provided through the Flood Insurance Study or required by this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(6) For all new or substantially improved flood-proofed structures:  
(a) Verify and record the actual elevation (mean sea level) to which the structure was flood-proofed; and

(b) Maintain the flood-proofing certifications required for nonresidential development in zones A1-30, AH and AE.

(7) Maintain for public inspection all records pertaining to the provisions of this section.

(8) Notify adjacent communities and the Department of Land Conservation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(9) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

(10) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the hearings official as provided in LC 14.500080 notwithstanding LC 14.080(1)(a). *(Revised by Ordinance No. 1-07, Effective 3.23.07)*

### **10.271-35 Provisions for Flood Hazard Reduction.**

In all areas of flood hazard, the following standards are required:

(1) Provisions applicable to unnumbered A, A1-30, AH and AE zones:

(a) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

10.305-30 Lane Code 10.315-35

**10.305-30 Repairs and Maintenance.**

(1) On any nonconforming structure or structure devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, to an extent not exceeding an accumulative total of 50 percent of the assessed true cash value of the building at the time said structure became nonconforming, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

(2) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.305-35 Uses Under Conditional Use or Temporary Permit Provisions Not Nonconforming Uses.**

Any use for which a Conditional Use or Temporary Permit has been granted as provided in this chapter and remains valid shall not be deemed a nonconforming use. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.305-40 Public Land.**

Unzoned public land notwithstanding subsequent zoning may be used for the purposes intended when the land was acquired, notwithstanding the use provisions of the district in which the land is situated. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO  
REQUIREMENTS**

**10.315-05 Purpose.**

As the Comprehensive Plan for Lane County is implemented, changes in District and other requirements of this chapter will be required. Such amendments shall be made in accordance with the procedures of this section. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 5-81, 4.8.81)*

**10.315-20 Criteria.**

Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the Zone District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-80, 9.1.80; 5-81, 4.8.81)*

**10.315-35 Initiation/Application.**

(1) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board of Commissioners as provided in LC 10.315-35(2) below.

10.315-40 Lane Code 10.315-60

(2) By Board of Commissioners. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board of Commissioners in the form of a request to the Planning Commissions that they consider the proposed zoning, rezoning or amendment.

(3) By Applicant. Application for the zoning or rezoning of properties may be made by any person ~~as provided in LC 14.050~~ pursuant to Type III procedures of LC Chapter 14. (Revised by Ordinance No. 13-72, Effective 7.21.72; 6-80, 9.1.80; 5-81, 4.8.81; 16-83, 9.14.83)

#### **10.315-40 Moratorium on Permits and Applications-Legislative Matters.**

(1) After any matter for zoning, rezoning or amendment to this chapter affecting particular property has received tentative action by the Board, but has not yet become final and effective, no Zoning, Land Division or Building Code Application or request shall be accepted, granted, issued or approved, except as herein provided.

(2) After such final action, granting of pending or subsequent Applications or requests shall be in accordance with the requirements of the Zoning District classification or requirements as amended by the final action.

(3) The provisions of this subsection (LC 10.315-40) shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing Zoning District requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map, or subdivision plat. (Revised by Ordinance No. 13-72, Effective 7.21.72; 5-81, 4.8.81; 18-81, 1.4.82)

#### **10.315-55 Planning Commission Public Hearing and Notice--Legislative Matters.**

(1) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.

(2) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.

(3) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 10.315-20 above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board of Commissioners accordingly that the proposal be adopted or rejected. (Revised by Ordinance No. 6-80, Effective 9.1.80)

#### **10.315-57 Review Procedures.**

Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to ~~LC 14.300~~ Type III procedures of LC Chapter 14. (Revised by Ordinance No. 6-80, Effective 9.1.80; 5-81, 4.8.81; 18-81, 1.4.82; 16-83, 9.14.83)

#### **10.315-60 Action by the Board of Commissioners.**

(1) Upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 10.315-55 above, the Board of Commissioners shall schedule a public hearing as provided in LC 10.315-60(2) below. The Board may

10.315-65 Lane Code 10.315-65  
schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.

(2) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board of Commissioners may first refer the proposed alteration or modification to the Planning Commission or Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

(3) In reversing a recommendation of the Planning Commission or Order of the Hearings Official, the Board of Commissioners shall indicate by Order the basis for its decision. (*Revised by Ordinance No. 6-80, Effective 9.1.80; 5-81, 4.8.81; 18-81, 1.4.82*)

### **10.315-65 Order of Intent to Rezone (also includes Rezoning of Specific Properties.**

(1) If, from the facts presented as required by this Code, it is determined by the Hearing Body that granting a Zoning or Rezoning Application would comply with the general purpose of this chapter only if the property in question would be developed as proposed in a reasonable time rather than being in a state of speculative holding, the Hearing Body shall indicate its general approval in principle of the zoning or rezoning by the adoption of an "Order of Intent to Zone or Rezone" said property. This Order shall include any conditions, stipulations or limitations which the Hearing Body determines are necessary to require in the public interest as prerequisite to final action, including those provisions necessary to prevent speculative holding of the property after zoning or rezoning; and such conditions, stipulations or limitations shall be incorporated as part of the site plan as provided below.

(2) A site plan shall be required as provided in this chapter for Site Review Permits and shall be binding upon the property. Upon approval of the Order of Intent by the Hearings Official or Board, the property under these provisions shall be plainly marked as "SR" on map attached as an exhibit to the Order and on the Zoning Map. Any approved site plan may be amended or it may be released from the restrictions of such site plan by application to and approval by the Hearings Official pursuant to ~~LC 14.300~~Type III procedures of LC Chapter 14. No other changes shall be made constituting a departure from the approved site plan except by amendment or release as herein provided.

(3) The fulfillment of all conditions, stipulations and limitations contained in the Order of Intent on the part of the applicant shall make the Order a binding commitment upon Lane County. Upon completion of compliance action required by the Order of Intent, the applicant shall make application, pursuant to ~~LC 14.050~~Type II procedures of LC Chapter 14, for effectuation of the zoning. Determination that the conditions of the Order of Intent have been met shall be pursuant to a routine administrative action by the Director. If the applicant has completed the necessary compliance action required by the Order of Intent, the Director shall approve the application and effectuate the zoning by Administrative Order.

(4) One extension of the two-year time period to complete the compliance action required by the Order of Intent may be applied for by the applicant through submitting an application for an extension of the Order of Intent. The application shall be reviewed by the Director pursuant to ~~LC 14.100~~Type II procedures of LC Chapter 14, and may be approved if it complies with the following criteria.

10.315-90 Lane Code 10.315-90

(a) The application was submitted to and accepted by the Department prior to the expiration of the two-year time period.

(b) The applicant has made a good faith, reasonable effort and progress in completing the necessary compliance action.

(c) The reason for delay in completing the necessary compliance conditions could not have been reasonably avoided.

(d) The uncompleted compliance action can be completed within a time period not to exceed two years beyond the original time set forth for completing the compliance action. (*Revised by Ordinance No. 6-80, Effective 9.1.80; 5-81, 4.8.81; 18-81, 1.4.82; 16-83, 9.14.83*)

**10.315-90 Official Zone District Ordinance and Zoning Maps.**

(1) The establishment and change of boundaries of Districts shall be made by Ordinance or by Order. Attached and referenced to the Ordinance or Order shall be a map of the lands affected by the Ordinance or Order.

(2) Final zoning designations shall be marked on durable and accurate maps capable of being reproduced. One set of prints shall be made from the masters adopted by reference in the Ordinance and filed for record with the Ordinance. Subsequent zone changes or Zoning District boundary changes shall be made by Ordinance or Order and attached map, adopted by reference, and filed for record with the Ordinance or Order.

(3) A set of up-to-date Zoning Maps shall be maintained for the convenience of the County and the public. The Zoning Maps shall indicate the location and geographical boundaries of the various Districts and shall set forth the District classifications applicable to the land indicated on the Zoning Maps. The Zoning Maps shall be maintained on file in the Planning Division and shall be available at reasonable times for inspection by the public. All amendments to the original District boundaries shall be reflected on the Zoning Maps. On the face of new or revised maps shall be the appropriate reference numbers (e.g., Ordinance, Order or Journal Number) of the Ordinance or Ordinances or Order or Orders zoning the lands covered by the map.

(4) Where a Zone District boundary is to be determined by a map enacted under this section, rather than by a legal description, and where uncertainty exists regarding the specific zone boundary, the following rules shall apply.

(a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(d) Boundaries indicated as following railroad lines and public utility easements shall be construed to be midway between the main tracks or utility easements, whichever is applicable.

(e) Boundaries indicated as following shorelines shall be construed to follow the high-water line. In the event of a change of high-water line, the boundary will follow the line no matter how it shifts. Boundaries indicated as following the centerlines of streams, rivers, canals or other bodies of water shall be construed to follow said centerline, and no matter how the centerline should shift, the boundary would remain the centerline as shifted.

(f) Boundaries indicated as parallel to or extensions of features indicated in LC 10.315-90(4)(a) through (e) above shall be so construed. Distances not specifically

10.320-30 Lane Code 10.320-55  
(d) Will not create a hazardous natural condition such as erosion, landslide, flooding. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

**10.320-30 Conditions.**

Reasonable conditions may be imposed in connection with the Conditional Use Permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (1) Special yards and spaces.
- (2) Fences and walls.
- (3) Surfacing of parking areas to requirements of County or other appropriate agencies.
- (4) Street and road dedications and improvements (or bonds).
- (5) Control of points of vehicular ingress and egress.
- (6) Special provisions on signs.
- (7) Landscaping and maintenance thereof.
- (8) Maintenance of the grounds.
- (9) Control of noise, vibration, odors or other similar nuisances.
- (10) Limitation of time for certain activities.
- (11) A time period within which the proposed use shall be developed.
- (12) A limit on total duration of use. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

**10.320-35 Application.**

| Application for a Conditional Use Permit may be made by any person ~~as provided in LC 14.050~~ pursuant to Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 5-81, 4.8.81; 16-83, 9.14.83)*

**10.320-55 Review Procedure.**

| Applications for Conditional Use Permits shall be heard by the Hearings Official pursuant to ~~LC 14.300~~ Type III procedures of LC Chapter 14. *(Revised by Ordinance No. 16-83, Effective 9.14.83)*



10.322-25 Lane Code 10.325-15

**10.322-25 Application and Review Procedure.**

Application for a Greenway Development Permit shall be made, ~~as provided by LC 14.050~~ and reviewed by the Hearings Official, ~~as provided by LC 14.300~~ pursuant to Type III procedures of LC Chapter 14. (Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82; 16-83, 9.14.83)

**10.322-30 Additional Notice.**

Immediate notice of an application shall be given the State Department of Transportation by certified mail, return receipt requested, and provision shall be made to provide notice to any individual or group requesting notice in writing. (Revised by Ordinance No. 1-80, Effective 3.30.80; 10-82, 7.9.82)

**10.322-60 Conflicting Provisions.**

In the case of any conflict between the provisions of this subchapter and other provisions in Lane Code, the more restrictive provisions shall apply. (Revised by Ordinance No. 1-80, Effective 3.30.80)

**10.322-85 Non-Authority for Public Use of Private Property.**

Nothing in this subchapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use. (Revised by Ordinance No. 1-80, Effective 3.30.80)

**10.322-95 Nonconforming Uses.**

Except as modified in this section, LC 10.305- to -40 shall apply to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 10.322-05(6) and (7) above of a nonconforming use shall be prohibited unless a Greenway Development Permit is issued for it. (Revised by Ordinance No. 1-80, Effective 3.30.80)

**TEMPORARY PERMITS**

**10.325-05 Purpose.**

The purpose of the Temporary Permit procedure is to allow on an interim basis:

- (1) Temporary uses in undeveloped areas of the County not otherwise allowable in the applicable Zoning District,
- (2) Use of existing structures designed and intended for a use not allowable in a Zoning District and not otherwise a Nonconforming Use, and
- (3) Erection of Temporary structures for activities necessary for the general welfare of an area, provided such uses and activities are consistent with the intent of this chapter.

No Temporary Permit can be granted which would have the effect of permanently rezoning and granting a special privilege not shared by other property in the same District. (Revised by Ordinance No. 13-72, Effective 7.21.72)

**10.325-15 Allowable Temporary Uses, Criteria, and Limitations.**

(1) The following are allowable Temporary Uses and may be permitted in any Zoning District, subject to the following criteria and limitations:

- (a) A different use for existing structures or structures and premises in a combination which are occupied or have been occupied by a Nonconforming Use provided it is determined by the Hearings Official that the character and nature of the

10.325-35 Lane Code 10.330-20  
(10) A limit on total duration of use. (*Revised by Ordinance No. 13-72, Effective 7.21.72; 5-81, 4.8.81*)

**10.325-35 Application.**

Application for a Temporary Permit shall be made pursuant to Type III procedures of LC Chapter 14~~as provided by LC 14.050~~. (*Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 16-83, 9.14.83*)

**10.325-55 Review Procedure.**

Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to Type III procedures of LC Chapter 14~~LC 14.300~~. (*Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 16-83, 9.14.83*)

**VARIANCES**

**10.330-05 Purpose.**

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity or from population densities, street location, or traffic conditions in the immediate vicinity.

The power to grant variances does not extend to use regulations. In other words, no variance can be granted which would have the effect of rezoning and granting a special privilege not shared by other property in the same district. (*Revised by Ordinance No. 13-72, Effective 7.21.72*)

**10.330-20 Criteria.**

(1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted, the following expressly written findings are made:

(a) That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of this chapter; or

(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zoning district; or

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties classified in the same zoning district; and

(d) That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.

Variances in accordance with this subsection should not ordinarily be granted if the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owner.



10.330-25 Lane Code 10.330-50

(2) Variances to requirements of this chapter with respect to off-street parking and loading facilities may be authorized as applied for or as modified, if, on the basis of the application, investigation, and the evidence submitted, the following express written findings, in addition to those prescribed in LC 10.330-20(1) above, are made:

(a) That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this chapter.

(b) That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets.

(c) That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the general purpose of this chapter. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

#### **10.330-25 Effect on Substantially Identical Variances and Modification to Other County Ordinances.**

(1) A Variance granted by authority of this section eliminates the necessity of obtaining approval of a substantially identical or less extensive Variance or modification to LC Chapters 11, 13 and 15 (Buildings, Land Divisions and Roads), respectively, and constitutes a Variance or modification of those Chapters as applicable.

(2) A Variance shall not be required to the area, width, depth, frontage, or setback requirements of this chapter for any subdivision area developed as a unit and receiving final approval in accordance with the provisions of LC Chapter 13 (Land Divisions) when the requirements to be varied are specifically incorporated within the finally approved subdivision plat.

(3) A Variance shall not be required to the setback requirements of this chapter where a substantially identical or more extensive Variance has been approved in accordance with LC Chapter 15 (Roads) requirements. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75; 10-76, 1.1.77)*

#### **10.330-30 Conditions.**

Reasonable conditions may be imposed in connection with a Variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

#### **10.330-35 Application.**

Application for a Variance shall be made pursuant to Type II procedures of LC Chapter 14 ~~as provided by LC 14.050~~. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 16-83, 9.14.83)*

#### **10.330-50 Review Procedure.**

Applications for Variances shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14 ~~LC 14.100~~. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-76, 1.1.77; 6-82, 4.16.82; 16-83, 9.14.83)*

### **SITE REVIEW PROCEDURES**

10.335-30 Lane Code 10.340-15  
required by Site Review Permit. (Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 6-75, 3.26.75; 5-81, 4.8.81; 5-82, 4.16.82; 10-04, 6.4.04)

**10.335-30 Conditions.**

Reasonable conditions may be established in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this section. Guarantees, evidence, dedications or bonding may be required to ensure that such conditions will be met. (Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-82, 4.16.82)

**10.335-35 Application.**

Application for a Site Review shall be made pursuant to Type II procedures of LC Chapter 14~~as provided by LC 14.050~~. (Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-82, 4.16.82; 16-83, 9.14.83)

**10.335-50 Review Procedure.**

Applications for Site Reviews shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~. (Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 10-76, 1.1.77; 5-80, 6.27.80; 5-81, 4.8.81; 16-83, 9.14.83)

**HOME OCCUPATIONS**

**10.340-05 Purpose.**

Home Occupations are intended to allow individuals the opportunity to conduct those types of small-scale business activities within their homes which are conducive to and not incompatible with the normal functions of the home and at the same time are not detrimental to or in conflict with the nature and character of a residential neighborhood.

It is the intent of this chapter that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in such districts and not at home. (Revised by Ordinance No. 13-72, Effective 7.21.72)

**10.340-15 Allowable Home Occupations.**

The following home occupations are listed as examples of those that might meet the criteria provided in LC 10.340-20:

(1) Headquarters for babysitting bureau, craftsman, and salesman, excluding real estates, provided that the operation of the activity is conducted primarily by telephone or mail.

(2) Custom sewing services including hemstitching, dressmaking, pleating, quilting, seamstress, stitching, and tucking, provided that all of these activities use material owned by individual customers.

(3) Minor repair services including watches, jewelry, electric razors, radios, TVs and clocks.

(4) Business locations for large household appliance repair services (e.g., washing machines, refrigerators) provided there is no repair activity on the property.

(5) Studios for instruction in arts, handicrafts, music, and tutoring. Instruction in music is to be limited to two students at a time. Tutoring and instruction in arts and handicrafts are to be limited to five students.

(6) Rug, upholstery, and furniture cleaning provided all articles are cleaned upon the customer's premises.

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10.350-35 Lane Code 10.360-10  
and evidence of compliance with such conditions may be required. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 7-80, 8.15.80)*

**10.350-35 Application.**

Application for a Special Exception shall be made pursuant to Type II procedures of LC Chapter 14~~as provided by LC 14.050~~. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 7-80, 8.15.80; 16-83, 9.14.83)*

**10.350-50 Review Procedure.**

Applications for Special Exceptions shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 10-76, 1.1.77; 7-80, 8.15.80; 5-81, 4.8.81; 16-83, 9.14.83)*

**10.350-65 Elimination of Need for a Special Permit.**

A special permit as provided for in LC 10.100-10(5), shall not be required for one single-family dwelling or one mobile home to be located on a parcel of land for which a Special Exception has been approved and on which no other dwelling or mobile home is located. *(Revised by Ordinance No. 9-75, Effective 7.2.75; 7-80, 8.15.80)*

**COMMERCIAL FARM PARCELS (CFP)**

**10.360-05 Purpose.**

This section establishes minimum area requirements for parcels defined as Commercial Farm Parcels (CFP). The area requirements are intended to provide protection of agricultural lands as a part of EFU, A-1, A-2 and FF Districts, and are interim means of addressing Statewide Goal #3, Agricultural Lands, requirement that minimum lot sizes be appropriate for the continuation of existing commercial agricultural enterprise within the area.

Minimum area requirements are listed below according to Townships and Ranges where agricultural parcels have been found. *(Revised by Ordinance No. 16-80; Effective 9.27.80; 1-82 As Amended, 4.16.82)*

**10.360-10 Minimum Area Requirements for Commercial Farm Parcels.**

| <u>Township-Range*</u>           |    | <u>Minimum Area (Acres)</u> |
|----------------------------------|----|-----------------------------|
| Township 15 South, Range 09 West |    | 155                         |
| 15                               | 07 | 33                          |
| 15                               | 06 | 127                         |
| 15                               | 05 | 104                         |
| 15                               | 04 | 53                          |
| 15                               | 01 | 230                         |
| Township 16 South, Range 11 West |    | 140                         |
| 16                               | 10 | 230                         |
| 16                               | 09 | 113                         |
| 16                               | 08 | 81                          |
| 16                               | 07 | 98                          |
| 16                               | 06 | 175                         |
| 16                               | 05 | 100                         |
| 16                               | 04 | 48                          |

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## LEGISLATIVE FORMAT

| 10.370-05                        | Lane Code | 10.370-05                   |
|----------------------------------|-----------|-----------------------------|
| <u>Township-Range*</u>           |           | <u>Minimum Area (Acres)</u> |
| 19                               | 03        | 230                         |
| 19                               | 02        | 96                          |
| 19                               | 01        | 112                         |
| Township 19 South, Range 01 East |           | 127                         |
| Township 20 South, Range 12 West |           | 93                          |
| 20                               | 11        | 146                         |
| 20                               | 05        | 230                         |
| 20                               | 04        | 230                         |
| 20                               | 03        | 204                         |
| 20                               | 02        | 58                          |
| 20                               | 01        | 120                         |
| Township 20 South, Range 01 East |           | 80                          |
| 20                               | 02        | 45                          |
| 20                               | 03        | 166                         |
| Township 21 South, Range 04 West |           | 230                         |
| 21                               | 03        | 223                         |
| 21                               | 02        | 64                          |
| 21                               | 01        | 67                          |
| Township 21 South, Range 02 East |           | 40                          |
| 21                               | 03        | 76                          |
| Township 22 South, Range 03 West |           | 69                          |
| 22                               | 01        | 120                         |
| Township 23 South, Range 03 West |           | 34                          |

\*Townships and Ranges are based on Willamette Meridian  
 (Revised by Ordinance No. 16-80, Effective 9.27.80; 1-82 As Amended, 4.16.82)

### ACCESSORY DWELLINGS SPECIAL USE PERMIT

#### 10.370-05 Purpose.

The purpose of this Special Use Permit is to allow Planning Director approval of Accessory Dwellings for persons employed on the premises in FF-20, GR-10, AGT and AV Zoning Districts.

(1) Accessory Dwellings in FF-20, GR-10, AGT and AV Zoning Districts shall be approved unless there is a specific finding the use or activity will result in one of the following.

(a) The use will be incompatible with existing uses in the area and with uses permitted in surrounding Zoning District(s).

(b) The use is not consistent with the purpose of the applicable District.

(c) The use will interfere with accepted farming or forestry practices on lands in the surrounding area that are devoted to such use.

(2) The procedure for issuance of the Permit shall be ~~as set forth in LC 14.100~~ in accordance with Type II procedures of LC Chapter 14. (Revised by Ordinance No. 5-81, Effective 4.8.81; 1-82 As Amended, 4.16.82; 16-83, 9.14.83)

10.400-15 Lane Code 10.400-15

Provider. A person in the business of designing and/or using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Telecommunication facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, towers and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “telecommunication facilities”.

Transmission Tower. The monopole or lattice framework designed to support transmitting and receiving antennae. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “transmission towers”. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

#### **10.400-15 Application, Information and Processing Requirements.**

A new or replacement telecommunication facility may be allowed provided: an application is submitted for Director approval pursuant to Type III procedures of LC Chapter 14~~LC 14.050~~, the application complies with the requirements specified in LC 10.400-15 through -50 below, and provided the application is approved pursuant to pursuant to Type III procedures of LC Chapter 14~~the requirements of LC 14.300~~ for a hearing with the Director. Notice of the hearing shall be provided pursuant to the requirements of LC Chapter 14 and to the owners of property within one half-mile radius of the exterior boundaries of the subject property and any property contiguous to and in the same ownership as the subject property. Maintenance and repair of lawfully (per LC Chapter 10) existing uses and development is considered a permitted use.

(1) Prior to submission of an application, the applicant shall provide notice and hold a meeting with area property owners as required in LC 10.400-15(1)(a)-(c) below. The applicant shall submit evidence of the notification and meeting with the application. The application shall include evidence of compliance with this requirement.

(a) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting to property owners and tenants living on property that would otherwise be notified pursuant to the requirements of LC 14.~~100-060~~ for a Type III hearing and to the applicable community organization recognized by the Lane County Board of Commissioners in Lane Manual 3.513 within the area in which the proposed site is located. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(b) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain at least the same information as required by LC 10.400-15(1)(a) above for the mailed notice.

(c) The applicant shall conduct a meeting within the general area of the proposed location of the telecommunication facility with the area property owners, tenants living on surrounding properties and interested parties to discuss the proposed application to allow community concerns regarding the proposed tower to be addressed.

10.400-20 Lane Code 10.400-20

Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(2) An application shall include the following information:

(a) A description of the proposed tower location, design and height. When the proposed tower location is within 14,000 feet of an airport, the applicant shall show the tower height in relation to the imaginary surfaces for that airport and demonstrate that the tower does not penetrate those surfaces;

(b) The engineered design capacity of the tower in terms of the number and type of antennae it is designed to accommodate and constructed in such a manner as to optimize performance and minimize visual impact;

(c) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with land use and building permit application;

(d) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 10.400-50(4) below;

(e) Documentation in the form of lease agreements for the telecommunications facility that provide space for a minimum of three users (the primary user and two collocation sites);

(f) Documentation of lease agreements with a Federal Communications Commission (FCC) licensed provider;

(g) Documentation demonstrating that the Federal Aviation Administration (FAA) has reviewed and commented on the proposal, and the Oregon Department of Aviation has reviewed and provided comment on the proposal;

(h) Plans showing how vehicle access will be provided and documents demonstrating that necessary easements have been obtained; and

(i) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(3) The applicant shall identify all existing towers, or properties that have obtained approval for a tower within ten (10) miles of the proposed tower location. The applicant shall provide evidence that collocation at all existing or approved towers within ten miles is not feasible, and provide documentation for locating a new tower, based on either of the following:

(a) Lack of useable and compatible collocation space;

(b) Inability to meet service coverage area and capacity needs; or

(c) Technical reasons such as channel proximity and inter-modulation.

(4) The tower shall comply with all required State of Oregon and Federal licenses for telecommunication tower facilities. The application shall include a certification that the completed installation will comply with all Federal, state and local standards. The applicant shall submit documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(5) Factual information addressing compliance with requirements in LC 10.400-20 and -30 below. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 11-02, 10.16.02)*

#### **10.400-20 Collocation Requirements for Telecommunication Facilities.**

Collocation of a telecommunications facility on an existing structure or building is not subject to the land use application and approval provisions of LC 10.400-15 above. However, collocation of a new or replacement telecommunication facility may be



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10.400-30 Lane Code 10.400-40  
allowed provided a prior land use application is submitted and approved pursuant to ~~LC 14.050 and approved pursuant to LC 14.100~~ Type II procedures of LC Chapter 14. The application for collocation may be allowed provided the requirements in LC 10.400-20(1) and (2) below are met.

- (1) An application for collocation of a new or replacement telecommunications facility shall provide the information required in LC10.400-15(2)(a)-(i) and –15(4) above.
- (2) Factual information addressing compliance with requirements in LC 10.400-30 and -40 below. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

**10.400-30 Siting Standards for Height, Setbacks and Access to Telecommunication Facilities.**

| The following standards ~~shall~~ apply to all new or replacement telecommunication facilities.

- (1) Consideration shall be given to other sites in the service area that would have less visual impact than the site proposed as viewed from nearby residences and that the applicant has demonstrated that less intrusive sites are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.
- (2) Telecommunication facilities shall be limited to the height necessary to provide the service, not to exceed 200 feet in height from ground level.
- (3) Directional/parabolic antennae shall be selected to optimize performance and minimize visual impact.
- (4) The setbacks for a tower shall be the setback otherwise allowed for all other structures in the zone except that:
  - (a) The tower shall be setback at least the height of the tower from an adjacent property line.
  - (b) A tract (contiguous property under the same ownership) shall be considered as a single parcel for purposes of setbacks.
- (5) The proposed telecommunications tower is sited at least 1200' from nearby residences and schools not on the property owner/applicant's tract or as far away from nearby residences and schools as it is sited from the closest dwelling on the property owner/applicant's tract, whichever is greater.
- (6) If access is obtained from a private road, the applicant shall be responsible as required by Oregon law for providing for improvements and maintenance to the private road that provides access to the subject property. In general, the applicant is responsible for impacts to the private road as a result of activities conducted by the applicant. The applicant shall maintain all necessary access easements and maintenance agreements for the private road as required by State law. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 11-02, 10.16.02)*

**10.400-40 Standards for Construction, Lighting, Signage and Fencing of Telecommunication Facilities.**

The following standards shall apply to all new or replacement telecommunication facilities.

- (1) The applicant shall submit a site-specific study of the tower site identifying the proposed color and surfacing of the tower and associated fixtures. Based on the existing conditions and vegetation at the proposed site, the tower must be constructed with material to reduce visibility of the tower by:

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**PLANNED UNIT DEVELOPMENT**

**10.700-05 Description and Purpose.**

The provisions of this section shall be known as the Planned Unit Development requirements and procedures. Its purpose is to set forth the objectives, principles, standards, and procedures to be used in developing a Planned Unit Development (PUD) Subdistrict. The Planned Unit Development section is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized comprehensive planning. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Lane County and LC Chapter 10, "Zoning" and Chapter 13, "Land Divisions," thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas and the creation of attractive, healthful, efficient and stable environments for environments for living, shopping, recreation or working.

Planned Unit Development, for purposes of this chapter, is described as: An optional approach to community development which allows modification of the more or less rigid setback, lot size specifications, and land use provisions of LC Chapter 10, "Zoning," Chapter 11, "Buildings" and Chapter 13, "Land Divisions," and instead establishes broad standards and goals to be followed, thus enabling and encouraging flexibility of design and development. Often based on the concept of cluster planning, it allows single-family houses and multiple-family dwellings of varying sizes, and appropriate institutional, commercial and industrial uses to be built in the same development thus inviting considerable variety in both tract and building design and uses, the possible retention of natural settings or community recreational areas and reduced street and utility installation cost. Although the density of the total area remains consistent with that of normal development, emphasis is placed on the relationship between buildings, uses and open space, and the most efficient use of both natural and development resources, rather than planning on a lot-by-lot or building-by-building basis. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-10 Objectives.**

The general objectives of the Planned Unit Development Subdistrict are:

- (1) To encourage innovations and variety in the development or reuse of communities in the County.
- (2) To maximize choice in the type of environment available in Lane County.
- (3) To encourage a more efficient use of land and of public services and facilities.
- (4) To take advantage of and promote advances in technology, architectural design and functional land use design.
- (5) To provide for the enhancement and preservation of property with unique features (i.e., historical, topographical and natural landscape).
- (6) To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.
- (7) To enable special problem areas or sites in the County to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape and historical legal nonconformance.
- (8) To provide an environment of stable character in harmony with surrounding development or use, or proposed development or use.

10.700-15 Lane Code 10.700-205

(9) To permit flexibility of design that will create desirable public and private common open spaces, a variety in type design and layout of buildings, and utilize to the best possible extent the potentials of individual sites.

(10) To assist in reducing the public service costs of development. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-15 PUD Subdistrict -- Combining Suffix.**

A planned Unit Development may be developed or located in any AGT, AGT-5, F-F 20, GR 10, GR-I, GR-II, PR, RR, RA, R-1, RG, RP, C-1, C-3, M-1, M-2, M-3, MH or AV District. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81; 16-83, 9.14.83)*

**USES**

**10.700-105 Permitted Uses.**

The following buildings and uses may be permitted, either singly or in combination, in a Planned Unit Development (PUD) Subdistrict. Except as specifically provided and/or referred to in this section, the building and uses permitted in a Planned Unit Development (PUD) Subdistrict shall be governed by the basic uses (purpose) of the Parent District.

- (1) Planned Residential Developments.
  - (a) Single-family dwellings.
  - (b) Multiple-family dwellings.
  - (c) Two-family dwelling (duplex).
  - (d) Mobile home.
  - (e) All other uses permitted in the Parent Zone.
  - (f) Any conditional uses permitted in the Parent Zone.
  - (g) Open space.
  - (h) Public and private nonprofit parks and playgrounds, community centers and recreational facilities.
  - (i) Hiking and riding trails.
  - (j) Neighborhood shopping centers and convenience shops where they are deemed appropriate to a larger neighborhood of which the Planned Residential Development is an integral part and is designed to primarily serve the residents of the PUD with goods and services.
  - (k) Accessory structures and uses to the extent necessary and normal to the uses permitted in this section.
- (2) Planned Residential - Professional, Civic, Commercial and/or Industrial Developments.
  - (a) Uses permitted in the Parent District.
  - (b) Accessory buildings and uses. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**GENERAL PROVISIONS**

**10.700-205 Design Team.**

The talents of qualified professionals, working as a team, are required for the planning, development and construction of a Planned Unit Development to ensure that the objectives of this section may be most fully realized and appreciated by the community and the project's developer and future residents. Further, this approach can enable the most expeditious processing of PUDS by facilitating coordination and communication between the developer, the various professionals and public agencies. The composition

10.700-210 Lane Code 10.700-305  
of the Design Team shall include, but not be limited to, a qualified architect, landscape architect and an engineer or land surveyor, licensed by the State of Oregon.

One of the required professionals shall be designated by the applicant to be responsible for conferring with the Planning Division with respect to the concept and details of the development plan, and shall act as the liaison between the Planning Division and the Design Team. The selection of this coordinator shall not limit the applicant or any member of the Team from consulting with the Planning Division or presenting material to the Hearings Official.

The composition of the Design Team may be modified by the Planning Division or the applicant in accordance with the following provisions.

(1) The Planning Division may require that, in addition to the Design Team, the expertise of other professionals be utilized in the formation, planning and development of a Planned Unit Development if the Planning Division makes a determination that the site merits special consideration due to its unusual or adverse physical features or conditions.

(2) The applicant may limit, except as provided in LC 10.700-205(1) above, the composition of the Design Team to an architect, or a landscape architect and an engineer or a land surveyor, if:

- (a) The proposed PUD is intended for single-family dwellings, or
- (b) The proposed PUD is intended as a commercial or industrial

development. *(Revised by Ordinance No. 5-81; Effective 4.8.81)*

#### **10.700-210 Approval Criteria.**

In addition to the following development and maintenance standards and principles, the Hearings Official shall expressly find that the following criteria are met before it approves a Planned Unit Development:

(1) That the location, size, design and uses are consistent with the County Comprehensive Plan.

(2) That the location, design and size are such that the development can be well integrated with its surroundings and, in the case of a departure in character from surrounding land uses, that the location and design will adequately reduce the impact of the development.

(3) That the location, design, size and land uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid as much as possible traversing local streets.

(4) That the location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing facilities and services, or by facilities and services which are planned for construction within a time period that is deemed reasonable.

(5) That the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for living, shopping or working. *(Revised by Ordinance No. 5-81; Effective 4.8.81)*

### **DEVELOPMENT AND MAINTENANCE STANDARDS AND PRINCIPLES**

#### **10.700-305 Minimum Sized Area for Developments.**

A Planned Unit Development shall be sufficient size to allow the objectives and standards of this section to be met and shall, as a minimum, comply with the following:

10.700-310 Lane Code 10.700-315

(1) The minimum size for a tract of land to be developed as a Planned Unit Development shall be not less than five contiguous acres and of such configuration as to be conducive to a Planned Unit Development.

(2) Notwithstanding the provisions of LC 10.700-305(1) above, a Planned Unit Development application may be filed on a tract of land less than five contiguous acres, but no approval shall be given to such application unless the Hearings Official determines, upon a showing by the applicant, that the minimum size required in LC 10.700-305(1) above should be waived because a Planned Unit Development is in the public interest and that one or more of the following conditions exist:

(a) Because of unusual physical features of the property, or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve physical or topographical feature of importance to the County.

(b) The property, or its neighborhood, has historical character of economic importance to the community that will be protected by use of a Planned Unit Development.

(c) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development and that a Planned Unit Development on the subject property can be effectively integrated with the existing PUD.

(d) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area. *(Revised by Ordinance No. 15-72, Effective 9.8.72)*

#### **10.700-310 Land Coverage.**

(1) Planned Residential Developments. In Residential Development, at least 40 percent of the gross area shall be devoted to open space. Of this required area, not more than 25 percent of said required open space may be utilized privately by individual owners or users of the Planned Unit Development, however, at least 75 percent of this area shall be common or share open space.

(2) Planned Residential-Professional, Public Reserve, Commercial and/or Industrial Developments. In Residential-Professional, Public Reserve, Commercial and/or Industrial Developments, the maximum allowable land coverage shall be the same as required by the Parent Zoning Districts or 60 percent of the gross area, whichever allows the lesser amount of land coverage. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 13-74, 1.10.75)*

#### **10.700-315 Residential Density.**

(1) In order to encourage the use of the Planned Unit Concept and to fulfill the intent of this section, the County may permit dwelling unit densities not exceeding those as follow within the respective underlying Zoning Districts:

| <u>District</u>                            | <u>Dwelling Units per Acre</u>      |
|--|-------------------------------------|
| F-F 20 (Farm-Forestry 20)                  | 0.05 (1 dwelling unit per 20 acres) |
| GR 10 (General Rural 10)                   | 0.1 (1 dwelling unit per 10 acres)  |
| GR-I (General Rural I)                     | 0.2                                 |
| GR-II (General Rural II)                   | 0.1                                 |
| AGT (Agriculture, Grazing, Timber Raising) | 0.2                                 |
| RR5, RR2, RR1 (Rural Residential)          | 0.2, 0.5, 1                         |
| RA (Suburban Residential)                  | 6                                   |

| 10.700-320                        | Lane Code   | 10.700-320 |
|-----------------------------------|---|------------|
| R-1 (Single-Family Residential)   | 6   |            |
| RG (Garden Apartment Residential) | 18  |            |
| C-1 (Limited Commercial)          | Not applicable  |            |
| C-2 (Neighborhood Commercial)     | Not applicable  |            |
| C-3 (Commercial)                  | Not applicable  |            |
| M-1 (Limited Industrial)          | Not applicable  |            |
| M-2 (Light Industrial)            | Not applicable  |            |
| M-3 (Heavy Industrial)            | Not applicable  |            |
| MH (Mobile Home Suffix)           | As allowed by Parent District   |            |
| AV (Airport Vicinity)             | 1, except as expressly provided<br>otherwise by a Conditional Use<br>Permit |            |

(2) The Hearings Official shall, as a condition of approval of a Planned Unit Development, limit the density or extent of development, but to no less than what would otherwise be allowed by the Parent Zone, LC Chapter 11, "Buildings" and Chapter 13, "Land Divisions," when it is determined that development to the maximum density listed above would.

(a) Create inconvenient or unsafe access to the Planned Unit Development, or

(b) Create traffic congestion in the streets which adjoin the Planned Unit Development, or

(c) Place an excessive burden on parks recreational areas, schools and other public facilities which serve, or are proposed to serve, the PUD, or

(d) Be in conflict with the general intent and provisions of the Comprehensive Plan for Lane County, or

(e) Create a threat to property or incur abnormal public expense in areas subject to natural hazards.

(3) The overall density of a Planned Residential Development shall be calculated by dividing the total net development area by the number of dwelling units. The net development area shall be determined by subtracting from the gross development area lands intended or used for:

(a) Commercial or industrial purposes.

(b) Churches or schools.

(c) Public or semipublic uses not intended to primarily serve the residents of the PUD. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 13-74, 1.10.75; 9-76, 8.27.76; 5-81, 4.8.81; 13-81, 8.19.81)*

#### **10.700-320 Lot Area and Dimensional Standards.**

The minimum lot area, width, depth and setback requirements of LC Chapter 10, "Zoning;" Chapter 11, "Building" and Chapter 13, "Land Divisions," applicable to the Zoning District in which the Planned Unit Development Subdistrict lies shall not dictate the strict guidelines for development within the Planned Unit Development, but shall serve as a guideline to ensure that the development will be in harmony with the character of the surrounding area. Individual buildings, accessory buildings, off-street common parking, loading facilities, open space, landscaping and screening may be located without reference to lot lines, except the boundary lines of the Planned Unit Development. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

10.700-325

Lane Code

10.700-340

**10.700-325 Heights Standards.**

The sun exposure plane shall prevail in determining the height of structures, except that the Planning Commission may further limit height as follows:

(1) Along the perimeter of the Planned Unit Development when multistoried buildings would have a substantial adverse effect on adjoining properties, such as, but not limited to, loss of privacy, sunlight or open vista.

(2) To protect scenic vistas from greater encroachments than would occur if development were limited to the allowable standards under other sections of this chapter. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-330 Perimeter Standards.**

When the Hearings Official determines that topographical or other existing barriers, or the design of the Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the Planned Unit Development, the Hearings Official shall require that:

(1) Structures located near the perimeter of a Planned Unit Development are designed and located so as to protect the privacy and amenity of adjacent existing uses, and/or

(2) A permanent screening be established either by appropriate structure or vegetation or both along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-335 Open Space Standards.**

The location, shape, size and character of the open space shall be provided in a manner to meet the specific needs of the Planned Unit Development and consistent with the standards set forth below, and shall be used only for those uses so specified.

(1) Open space may be used for scenic, landscaping or outdoor recreational purposes. The uses designated for the open space shall be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

(2) Open space shall be developed and improved to the extent that it will serve the purpose for which it is designated. Outdoor areas containing natural features, existing trees and groundcover worthy of preservation may be left unimproved.

(3) Any buildings, structures and improvements within the open space shall be appropriate to the uses which are authorized for the open space and shall conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.

(4) The development schedule which is part of the Development Plan must coordinate the improvement of the open space, the construction of buildings, structures and improvements in the open space, and the construction of residential dwellings and other buildings in the Planned Unit Development. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-340 Maintenance of Common Open Space and Facilities.**

Whenever any lands or facilities, including streets or ways, are shown on the Final Development Plan as being held in common, the Hearings Official shall require that an association of owners or tenants be created into a nonprofit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on such com-



10.700-345 Lane Code 10.700-415  
mon areas and facilities to the satisfaction of the Hearings Official. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purpose intended. The period of existence of such associations shall be not less than 20 years, and it shall continue thereafter until a majority vote of the members shall terminate it. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-345 Dedication.**

The Hearings Official may, as a condition of approval for any development, require that portions of the Planned Unit Development be set aside, improved, conveyed or dedicated for the following uses.

- (1) Easements necessary to the orderly extension of public utilities.
- (2) Streets and pedestrian ways necessary to the proper development and/or adjacent properties.
- (3) Recreational areas or open spaces suitable for the owners, residents, employees or patrons of the Planned Unit Development and the general public. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-350 Construction Standards.**

Except as expressly provided herein, the provisions of LC Chapter 11, "Buildings," LC Chapter 13, "Land Divisions," and all other County Ordinances and Codes shall apply to and control all design and construction of improvements within a Planned Unit Development. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**GENERAL APPLICATION CRITERIA**

**10.700-405 Application.**

Any applicant desiring to develop a Planned Unit Development shall submit an Application in accordance with procedures provided for in this section. Each Application shall include all required plans, programs and other material. Whenever a Planned Unit Development is subject to LC Chapter 13, "Land Divisions," the procedures of Chapter 13 shall also be complied with, except as modified in accordance with the provisions of this section. Any such subdivision requirements shall be considered and acted upon concurrently with the Planned Unit Development. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-410 Ownership.**

The tract or tracts of lands included in a proposed Planned Unit Development Application must be in one ownership or control, or the subject of a joint Application by the owners of all the property included. The holder of a written option to purchase shall be deemed the owner of such land for the purposes of this section. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**10.700-415 Pre-Application Conference.**

Prior to submitting a Pre-Preliminary Application, the applicant, or his or her authorized agent, is encouraged to confer informally with the Land Development Review Committee (as defined in LC Chapter 13-030, "Land Divisions") to discuss the general concept of a PUD as it might relate to the anticipated project. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*



**10.700-420 Pre-Preliminary Application and Review.**

Prior to submitting a Preliminary Application for PUD, the applicant shall request a pre-preliminary meeting at the Planning Division. At this meeting, the applicant, or his or her authorized agent, shall meet with the Land Development Review Committee for the purpose of obtaining guidance and information that might be needed for the filing of a Preliminary Planned Unit Development Application. At this conference the Land Development Review Committee shall make a determination as to whether the site, in its opinion, qualified in size, character and general location for the contemplated Planned Unit Development. In order to help ensure that this meeting is as productive as possible for both the applicant and the Review Committee, the following minimum information shall be submitted by the applicant at least 10 days prior to the date of such meeting.

- (1) Six copies of a written statement setting forth:
  - (a) Name(s) and address(es) of the applicant(s).
  - (b) Name(s) and address(es) and professional qualifications of the proposed professional Design Team members, including the designation of professional coordinator, if known.
  - (c) General type and approximate number of residential and nonresidential uses and structures.
  - (d) The number of stages, if any, in which the project will be built and the approximate time anticipated for the completion of the entire project.
  - (e) A tabulation of the approximate land area to be devoted to various uses and a calculation of the average residential density per net acre.
  - (f) Drainage, water and sewerage systems of facilities available or proposed.
- (2) Six copies and one reproducible transparency of a Schematic Development Plan of the proposed development, showing:
  - (a) General location of the proposed development.
  - (b) Major existing physical and natural features such as water courses, rock outcropping, marshes, wooded areas, etc.
  - (c) Location of the major existing utilities and drainage-ways.
  - (d) Location and names of public streets, parks and railroad and utility rights-of-way within or adjacent to the proposed development.
  - (e) General location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking and loading areas.
  - (f) General location and approximate dimensions of proposed structures.
  - (g) Major proposed landscaping features.
  - (h) Approximate contours.
  - (i) Sketch(es) showing the scale, character and relationship of buildings, streets and open space (optional).
  - (j) Approximate location and type of proposed drainage, water and sewerage facilities. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 5-81, 4.8.81)*

**PRELIMINARY PLANNED UNIT DEVELOPMENT REQUIREMENTS AND  
ACTION**

**10.700-505 Application.**

Applications for Preliminary approval shall be made by the owner(s) of all property included in the Planned Unit Development, or his or her authorized agent, and ~~shall meet the requirements of LC 14.050 pursuant to Type II procedures of LC Chapter 14.~~ The

10.700-505 Lane Code 10.700-505

Application shall also indicate all owners of record, contract purchasers holders of options and proposed developers. Preliminary Planned Unit Development Applications shall be accompanied by the filing fee as required by this chapter to defray the cost of processing the Application, and shall include the following:

(1) An Application to establish a Planned Unit Development (PUD) Subdistrict classification for the Zoning District in which the proposed development will lie. The said Application may include a request that the Parent Zone be changed or that a Parent Zone be established (in the case of existing unzoned land.)

(2) One copy of a written statement made up of the following information.

(a) An explanation of the character of the Planned Unit Development, the form of organization proposed to own and maintain the common areas and facilities and the type of ownership of individual units or spaces.

(b) Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements and maintenance of common and private areas or facilities.

(c) A development schedule indicating:

(i) The approximate date when construction of the project can be expected to begin.

(ii) The proposed stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.

(iii) The approximate dates when the development will be completed.

(iv) The area, uses and location of common open space that will be provided at each stage.

(d) A tabulation of land area to be devoted to various uses and a calculation of the average residential density per net acre.

(e) A boundary map and legal description.

(3) One copy and one reproducible transparency of a Preliminary Development Plan(s) of the entire development and shall include, at a minimum, the following:

(a) Existing contours and proposed contours after development at intervals of:

(i) One foot for ground slopes of less than five percent or spot elevations and drainage features.

(ii) Two feet for ground slopes between five and 10 percent.

(iii) Five feet for ground slopes in excess of 10 percent.

(b) Approximate location, arrangement and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking and loading areas.

(c) Approximate location and dimensions of building and structures and their use, open space and dedicated or reserved properties.

(d) Preliminary landscaping plan depicting existing and proposed tree plantings, ground cover, screen planting and fences, etc., and showing location of existing trees in excess of 12 inches in diameter measured four feet from ground level which are proposed to be removed by the development.

(e) Architectural sketches or drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, ways, parking spaces or garages and open spaces.

(f) Proposed drainage, water and sanitary systems and facilities, as required.

(g) Location, character and type of signs and lighting facilities.

10.700-510 Lane Code 10.700-605  
(h) A preliminary subdivision plat, if the land or building is to be subdivided as defined by LC Chapter 13, "Land Divisions." (*Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 5-81, 4.8.81; 16-83, 9.14.83*)

#### **10.700-510 Preliminary Review Procedure.**

(1) Applications for approval of Preliminary Planned Unit Developments shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~.

(2) Preliminary Planned Unit Development approval may allow for completion of the Planned Unit Development in as many as three phases subject to the following time limitations:

(a) Phase I requirements for final approval shall be completed within two years of preliminary approval.

(b) Phase II requirements for final approval shall be completed within three years of preliminary approval.

(c) Phase III requirements for final approval shall be completed within four years of preliminary approval.

(3) An extension of the two-year preliminary approval time period to complete a Planned Unit Development may be routinely approved by the Director as follows:

(a) The applicant shall have submitted to the Department an application for an extension, on the form provided by the Department, prior to the preliminary approval expiration date.

(b) The application shall be accompanied by the processing fee.

(c) The application materials must factually demonstrate that the applicant has made a good faith and reasonable effort and progress to meet the conditions set forth in preliminary approval, and that the delay in meeting the conditions could not have been reasonably avoided, and that the uncompleted conditions can be met within a period of time not to exceed two years beyond the original time set forth in the preliminary Planned Unit Development approval.

(d) After review of an application for an extension, the Director shall mail to the applicant a written notice of the decision to approve or deny the extension. The Director's decision may be appealed by the applicant in the manner provided by LC 14.~~500-080~~ for appeals of decisions by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~. (*Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 5-81, 4.8.81; 16-83, 9.14.83*)

### **FINAL PLANNED UNIT DEVELOPMENT REQUIREMENTS AND ACTION**

#### **10.700-605 Final Application.**

An application for final Planned Unit Development approval shall be filed with the Department within two years of the date of preliminary Planned Unit Development approval, shall be accompanied by the required filing fee, shall be completed on the form provided by the Department, and shall be accompanied by the following:

(1) Six copies and a reproducible transparency of the final plan(s). The said plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of development and shall include, at a minimum, the following:

(a) Detailed location of water, sewage and drainage facilities.

(b) Detailed plan showing location of all buildings and structures.

(c) Detailed exterior building plan and elevations.

(d) Detailed plans showing the character and locations of signs and lighting facilities.

10.700-610 Lane Code 10.700-705

(e) Detailed plans for street, roadway, pedestrian ways and parking improvements.

(f) Detailed grading or earth moving plans.

(g) Detailed landscaping plans.

(2) A final subdivision plat as may be required by LC Chapter 13, "Land Divisions."

(3) All documents relating to dedication, improvements, maintenance agreements, covenants, deed restrictions and bylaws of neighborhood associations, cooperatives and improvement of the District. The documents so submitted shall be approved by an attorney and shall be further approved as to form by the County Counsel. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 16-83, 9.14.83)*

**10.700-610 Final Approval.**

Approval of final Planned Unit Development plans shall be a routine administrative action by the Director. The Director shall grant final approval if, by the Director's determination:

- (1) The final Planned Unit Development plans and any supporting documents or plats are in substantial conformity with the approved preliminary Planned Unit Development plan;
- (2) All conditions of preliminary approval imposed by the Approval Authority have been met.

Approval or denial by the Director shall be made by the Director within 30 days of acceptance of the final application, shall be in writing and mailed to the applicant, and may be appealed by the applicant pursuant to LC 14.~~500-080~~ for appeals to the Hearings Official. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 16-83, 9.14.83)*

**10.700-635 Planned Unit Development Subdistrict.**

Final approval of a Final Planned Unit Development Application shall be in the manner of a Planned Unit Development Subdistrict amendment to the Official Zoning Map. Before final approval is given, the Planning Director shall certify that either:

- (1) All improvements as required by this chapter have been completed and a certificate of such fact has been filed with and approved by the Planning Director, or
- (2) A Performance Agreement has been filed with the- Director on a form approved by the Board of County Commissioners and in sufficient amount to ensure the completion of all required improvements. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80)*

**10.700-650 Retroactive Final Approval Authority in Certain Cases.**

Notwithstanding any other provision of LC 14.~~700-090~~, an application for final PUD approval may be accepted and reviewed pursuant to LC 10.700-510 and LC 10.700-605 even though preliminary PUD approval was granted prior to July 1, 1983, provided preliminary approval for the PUD has not expired. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

**FINAL PLANNED UNIT DEVELOPMENT CONDITIONS**

**10.700-705 Limitation of Approval.**

No excavating, grading, construction improvements or building permits shall be authorized or issued within the Adopted Planned Unit Development(PUD) Subdistrict Zone, pending compliance with the following:

10.700-710 Lane Code 10.710-15

(1) Full compliance with all provisions of the Ordinance including the execution and filing of all documents required therein.

(2) Compliance with the requirements of LC Chapter 10, "Zoning;" Chapter 11, "Buildings" and Chapter 13, "Land Divisions," and all other applicable laws and regulations.

(3) Full compliance with the Approved Final Planned Unit Development Application. The said Application shall control the issuance of all Building Permits and shall restrict the nature, location and design of all uses. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80)*

#### **10.700-710 Changes to Final Planned Unit Development Application.**

Minor changes in an Approved Final Planned Unit Development Application requested by the applicant may be approved by the Planning Director if such changes are consistent with the purposes and general character of the said Application. All other modifications, including extension or revisions of the State Development Schedule, shall be processed in the same manner as the Original Application for final approval and shall be subject to the same procedural requirements. All requests for changes or modifications and their approval shall be in writing. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80)*

#### **10.700-715 Revocation.**

In the event of a failure to comply with the Approved Final Planned Unit Development Application, or any prescribed condition of approval, including failure to comply with the State Development Schedule, the Planning Director, Hearings Official or Board may initiate a review of the Planned Unit Development (PUD) Subdistrict by the Planning Division at a public hearing to determine whether or not its continuation, in whole or in part, is in the public interest and, if found not to be, the Hearings Official shall recommend to the Board of Commissioners that the Planned Unit Development (PUD) Subdistrict be removed and necessary amendments to the Ordinance or Order be made in accordance with this chapter. The Hearings Official hearing and Board action shall be conducted in the manner provided in LC Chapter 14, "Appeals." *(Revised by Ordinance No. 15-72, Effective 9.8.72; 6-80, 9.1.80; 5-81, 4.8.81)*

### **CONTRACT ZONING DISTRICT**

#### **10.710-05 Purpose.**

The purpose of the Contract Zoning District is to permit the County to zone property subject to a contract of annexation by incorporating within a County zoning ordinance the terms and conditions of the zoning regulations of the city to which the land is to be annexed. *(Revised by Ordinance No. 2-80; Effective 6.13.80)*

#### **10.710-10 Permitted Terms and Conditions.**

A Contract Zoning District (CZD) may consist of one or more of the permitted zones of the incorporated city to which the land will be annexed. The terms and conditions of the zoning ordinance of the city to which the land is to be annexed shall be adopted by reference in the County ordinance establishing a CZD. *(Revised by Ordinance No. 2-80; Effective 6.13.80)*

#### **10.710-15 Prohibited Application.**

No land shall be zoned CZD unless the County and the city to which the land is to be annexed have entered into an agreement defining their relative duties and responsibilities

10.800-05 Lane Code 10.900-17  
for the processing of the zone change and the administration of the development on the specific land which is the subject of the contract of annexation. Under no circumstances shall Lane County be responsible for the administration of city codes on the specific property after the zone change has been approved. *(Revised by Ordinance No. 2-80; Effective 6.13.80)*

## **AUTHORITY TO CHARGE FEES**

### **10.800-05 Authority to Charge Fees.**

(1) The Department shall have the authority to charge fees for the purposes of defraying expenses involved in processing applications required by this chapter.

(2) All fees are nonrefundable except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made for the amount of the fee remaining after the subtraction of processing expenses incurred by the Department. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 9-75, 7.2.75; 11-80; 7.24.80; 16-83; 9.14.83)*

## **ENFORCEMENT REQUIREMENTS**

### **10.900-05 Title, Purpose, and Applicability.**

The provisions of this section shall be known as the Enforcement Requirements. The purpose of these requirements is to ensure compliance with the zoning requirements. These provisions shall apply to the enforcement of the zoning requirements, but shall not be deemed exclusive. *(Revised by Ordinance No. 15-72, Effective 9.8.72)*

### **10.900-10 Official Action.**

All officials, Departments, and employees of Lane County vested with authority to issue permits, certificates, or licenses, shall adhere to and require conformance with the zoning requirements. *(Revised by Ordinance No. 15-72, Effective 9.8.72)*

### **10.900-15 Inspection and Right of Entry.**

Whenever they shall have cause to suspect any failure to comply with any provision of the zoning requirements, or when necessary to investigation of an application for or revocation of any zoning approval under any of the procedures prescribed in this chapter, officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 1-00, 4.12.00)*

### **10.900-16 Unauthorized Work.**

If the Director discovers any person doing or causing to be done any work without the permit required by this chapter, the Director shall notify the person to cease the act or acts, and such person shall cease such acts until a permit is secured, and shall pay for such permit twice the amount of the fee otherwise required. *(Revised by Ordinance No. 4-04, Effective 12.22.04)*

### **10.900-17 Stop Work Orders.**

Whenever any work is being done contrary to provisions of this chapter or an approved Special Use application or other discretionary permit issued pursuant to the requirements



10.900-20 Lane Code 10.990  
of any of the sections of this chapter, or the Manager of the Lane County Land Management Division has probable cause to believe that any other provision of the Lane Code is not being complied with in connection with the project of which the work being performed is a part, the Manager may order the work stopped by notice in writing, posted on the project, or served on any person engaged in the doing or causing of such work to be done. Upon the posting or service of notice, all persons engaged in doing or causing the work to be done shall immediately stop such work until authorized by the Manager to proceed. *(Revised by Ordinance No. 1-93, Effective 4.16.93; 1-00, 4.12.00)*

**10.900-20 Abatement.**

Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the zoning requirement shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such. *(Revised by Ordinance No. 15-72, Effective 9.8.72)*

**10.900-25 Enforcement Official.**

It shall be the duty of the Manager of the Lane County Land Management Division, or said Manager's duly authorized representative to enforce the provisions of this chapter pertaining to land use and to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the County. The enactment of this chapter shall not invalidate any prior existing, or future prosecutions for violation of, or failure to comply with, the zoning requirements committed under previous applicable County ordinances then in effect. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 3-76, 4.7.76; 1-93, 4.16.93; 1-00, 4.12.00)*

**10.900-30 Legal Proceedings by District Attorney.**

In addition to the enforcement provisions of this chapter, upon request of the Manager of the Land Management Division or the Building Official, the District Attorney or County Counsel may institute any additional proceedings, including but not limited to, seeking injunctive relief to enforce the provisions of this chapter. *(Revised by Ordinance No. 15-72, 9.8.72; Effective 7.21.72; 1-93, 4.16.93; 1-00, 4.12.00)*

**10.900-35 Enforcement by Department of Public Safety.**

The Director of the Department of Public Safety, or said Director's authorized representatives, shall have the power, upon request of the Manager of the Land Management Division or the Building Official, District Attorney, or County Counsel, to assist in the enforcement of the provisions of this chapter. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 3-76, 4.7.76; 1-93, 4.16.93; 1-00, 4.12.00)*

**10.900-40 Remedies Cumulative.**

It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive. *(Revised by Ordinance No. 15-72, Effective 9.8.72)*

**FAILURE TO COMPLY**

**10.990 Failure to Comply.**

Failure to comply with any of the requirements of this chapter may be subject to administrative enforcement as provided by LC Chapter 5. Failure to comply with a condition of an approved Special Use application or other discretionary permit issued





Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

Tract. A lot or parcel as defined in LC 13.010.

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86; 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04; 2-09, 1.8.10; 6-10; 9.17.10)*

### **13.020 Legal Lot Verification.**

A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC ~~14.100~~ Chapter 14 and ~~shall~~ occurs when:

(1) An application is submitted and reviewed pursuant to Type II procedures of LC Chapter 14-LC-14.050, excluding 14.050(3)(d) 060(1) Notice of Application, for a legal lot verification on a lot or parcel resulting from a property line adjustment; or

(2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to Type II procedures of LC Chapter 14-LC-14.050, excluding 14.050(3)(d) 060(1) Notice of Application. *(Revised by Ordinance No. 7-04; Effective 7.15.04; 7-12, 12.28.12)*

### **13.030 Validation of a Unit of Land.**

(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to Type II procedures of LC Chapter 14-LC-14.050 if the unit of land:

(a) Is not a lawfully established unit of land; and

(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).

(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

(a) The dwelling or other building was lawfully established prior to January 1, 2007; and

(b) The permit does not change or intensify the use of the dwelling or other building.

(4) An application to validate a unit of land under LC 13.030 is an application for a permit, as defined in ORS 215.402. An application under LC 13.030 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.

(5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under LC 13.030 if the owner of the unit of land records a partition plat within 90 days of validation.

Lane Code

13.050

(6) An application to validate a unit of land under LC 13.030 may not be approved if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a). *(Revised by Ordinance No. 2-09; Effective 1.8.10)*

### **13.050 General Requirements and Standards of Design and Development for Preliminary Plans.**

The following are the requirements to which the preliminary plan of a subdivision, replat or partition must conform:

(1) Conformity with the Comprehensive Plan. All divisions shall conform with the Comprehensive Plan for Lane County and the following city comprehensive plans:

(a) The comprehensive plan for a small city, if the division site is within an urban growth boundary but outside the city limits. Such small cities are:

- (i) Cottage Grove
- (ii) Creswell
- (iii) Oakridge
- (iv) Lowell
- (v) Coburg
- (vi) Junction City
- (vii) Veneta
- (viii) Florence
- (ix) Dunes City
- (x) Westfir

(b) The Eugene-Springfield Metropolitan Area Plan and any applicable Special Purpose/Functional Plan or Neighborhood Refinement/Community Plans, if the division site is within the plan boundaries.

(2) Conformity with the Zoning. All divisions shall comply with all specifications of the applicable zoning requirements in Lane Code, including uses of land, area and dimension requirements, space for off street parking landscaping and other requirements as may be set forth.

(3) Relation to Adjoining Road System. A subdivision, replat or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions, replats or partitions, or for their proper projection when adjoining property is not subdivided, replatted or partitioned, and such streets shall meet the minimum requirements for roads set forth in LC Chapter 15. Where the Approving Authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made as provided in LC 15.900.

(4) Redevelopment Plan.

(a) In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that parcels, lots or blocks shall be of such size and shape, be so designed and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel or lot into smaller sizes which shall have the minimum lot frontage on a street.

performed by a licensed geologist or engineer. A copy of all field notes and test results shall be submitted with the report, together with summary statements which indicate whether the proposed use of the aquifer could adversely impact the neighboring wells or properties or deplete the aquifer and the general impact of the proposed use.

(d) For all areas not designated as problem areas by the procedures documented in LC 13.050(13)(a) above, a pump test report or a well log report shall be supplied, unless determined by Lane County to be not necessary. Pump test and well log reports shall be prepared according to the following criteria:

(i) Pump Test. The test shall be a minimum five-hour pumping duration and record the following information: static water level, pumping level, drawdown, recovery, residual drawdown, well yield (pumping rate) and specific capacity. Measurements shall be made before pumping begins, during the pumping phase and during the recovery phase as necessary.

(ii) Well log reports shall include tax map showing the subject property and surrounding area, all well logs of record from adjacent and surrounding properties and the location of the wells on the tax lot map.

(14) Additional Cluster Subdivision Requirements.

(a) The land in a cluster subdivision not platted as a building lot shall be secured and maintained as private open space and recreation area by covenant or association prepared by the applicant and approved by Director or County Counsel. Said approved covenant shall be recorded with and referenced on the cluster subdivision plat.

(b) The largest lot in a cluster subdivision, if platted as a mobile home or dwelling lot, shall be restricted from further development, unless future zoning and/or changes in the comprehensive plan increase the density allowed for the overall cluster subdivision. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat.

(c) The type and number of living units intended for each cluster subdivision lot shall be specified in the covenants, and each lot shall be restricted from an increase in the number of living units, unless the future zoning and/or changes in the comprehensive plan increase the density allowed for the overall subdivision and unless new cluster subdivision plans are submitted and approved. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 1-90, 2.7.90; 3-90, 3.14.90; 1-91, 6.14.91; 10-04, 6.4.04; 7-10, 11.26.10)*

**13.100 Application Requirements for Preliminary Partition Plans.**

(1) An application for preliminary partition approval shall be filed with the Department pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~.

(2) The application shall be accompanied by 5 copies of the preliminary partition plan one of which must be 8 1/2 inches x 11 inches.

(3) Preliminary partition plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the approving authority to have an adequate understanding of what is proposed. The following information is required on a preliminary partition plan:

(a) North point, scale and date of the preliminary plan.

(b) Appropriate identification clearly stating the drawing is a preliminary partition plan.

(c) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner, landscape architect or any other person responsible for designing the preliminary plan.

(d) The map number (township, range and section) and tax lot number of the tract being divided.

(e) The boundary lines of the tract to be divided and approximate acreage of the property.

(f) For partitions of land within an adopted urban growth boundary, contour lines sufficient to show the direction and general grade of land slope having the following intervals:

(i) One-foot contour intervals for ground slopes up to 5%.

(ii) Two-foot contour intervals for ground slopes between 5% and 10%.

(iii) Five-foot contour intervals for ground slopes exceeding 10%.

(g) The names of adjacent subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land. The records of the Department of Assessment and Taxation may be used for this purpose.

(h) The approximate location, widths and names of existing or platted streets or other public ways (including easements) within in or adjacent to the tract, existing permanent buildings, and any addresses for the buildings, railroad rights-of-way and other important features such as, section lines, political subdivision boundary lines and school district boundaries.

(i) The location and width of nearby County Road, State Road, and Public Road intersections, and of private driveway and road approaches serving adjacent land sufficient to document compliance with Road and Driveway Approach Spacing Standards in LC 15.138.

(j) The approximate location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.

(k) Approximate location, acreage and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owned in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.

(l) Proposed plan, if any, for draining surface water from the development.

(m) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.

(n) Easements, together with their dimensions, purpose and restrictions on use.

(o) Proposed means and location of sewage disposal and water supply system.

(p) Proposed parcels, approximate dimensions, size and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes, shall be identified with letter designations.

(q) Sites, if any, for residences.

(r) Parks, playgrounds, recreation areas, parkways and open space for public use, clearly identified.

(s) Predominant natural features, such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.

(4) A draft of any existing or proposed restrictions or covenants affecting the property shall accompany the application. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

**13.105 Application Requirements for Preliminary Subdivision Plans.**

(1) An application for preliminary subdivision approval shall be filed with the Department pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~.

(2) The application shall be accompanied by 5 copies of the preliminary subdivision plan one of which shall be 8 1/2 inches x 11 inches.

(3) Preliminary subdivision plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the approving authority to have an adequate understanding of what is proposed. The following information is required on a preliminary subdivision plan:

(a) The proposed name of the subdivision.  
(b) North arrow, scale and date of the preliminary plan.  
(c) Appropriate identification clearly stating the drawing is a preliminary subdivision plan.

(d) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner or landscape architect responsible for designing the preliminary plan.

(e) The map number (township, range and section) and tax lot number of the tract being divided.

(f) The boundary lines of the tract to be divided and approximate acreage of the property.

(g) For subdivisions of land within an adopted urban growth boundary, or for cluster subdivision lots of five acres or less, contour lines sufficient to show the direction and general grade of land slope having the following intervals:

(i) One-foot contour intervals for ground slopes up to 5%.  
(ii) Two-foot contour intervals for ground slopes between 5% and 10%.

(iii) Five-foot contour intervals for ground slopes exceeding 10%.

(h) The names of adjacent subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land. The records of the Department of Assessment and Taxation may be used for this purpose.

(i) The approximate location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings and any addresses for the buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.

(j) The location and width of nearby County Road, State Road, and Public Road intersections, and of private driveway and road approaches serving adjacent land sufficient to document compliance with Road and Driveway Approach Spacing Standards in LC 15.138.

(k) The approximate location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.

(l) Approximate location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners

in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.

- (m) Proposed plan for draining surface water from the development.
- (n) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
- (o) Easements, together with their dimensions, purpose and restrictions on use.
- (p) Proposed means and location of sewage disposal and water supply systems.
- (q) Proposed blocks, numbered in consecutive order.
- (r) Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.

- (s) Sites, if any, for residences.
- (t) Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.

- (u) Predominant natural features such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.

- (v) For a cluster subdivision, the general location and type of proposed structures, and the area, uses and location of any common open space that will be provided at each stage.

(4) For a subdivision which is not a cluster subdivision, a draft of any proposed restrictions or covenants affecting the property shall accompany the application.

(5) An application for a cluster subdivision shall be accompanied by one copy of a written statement composed of the following information.

- (a) A tabulation of land area to be devoted to various uses and a calculation of the average residential density per net acre.

- (b) An explanation of the character of the cluster subdivision, the organization proposed to own and maintain any common areas and facilities and the type of ownership of individual units or spaces.

- (c) Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements and maintenance of any common and private areas or facilities.

- (d) Where the common area and/or open space in a cluster subdivision is not proposed to be graphically designated on a subdivision plat, the draft covenants and restrictions and conditions for a cluster subdivision shall include a Preliminary Development Plan of the entire property. The Development Plan shall include, at a minimum, the following information:

- (i) Existing contours and proposed contours after development at intervals of.

- (1) One foot for ground slopes of less than 5% or spot elevations and drainage features.

- (2) Two feet for ground slopes between 5% and 10%.

- (3) Five feet for ground slopes in excess of 10%.

- (ii) Approximate location, arrangement and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking and loading areas.

- (iii) Approximate location and dimensions of open space, common areas and dedicated properties.



(iv) Proposed drainage, water and sanitary systems and facilities, as required.

(v) Location, character and type of signs and lighting facilities.  
(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)

### **13.110 Development Phasing.**

(1) A subdivision may be completed in as many as three phases. Phase I may be completed as a partition or subdivision, depending upon the number of subunits of land included in this phase. Phases II and III must be completed as subdivisions. The preliminary subdivision plan must show each phase and be accompanied by time limitations for each phase.

(2) If the preliminary plan provides for development in more than one phase, it must be accompanied by an explanation of why the phasing is necessary and how it can be completed within the proposed time limitations.

(3) Time limitations for the various phases must meet the following requirements:

(a) Phase I requirements for final approval shall be completed and filed with the County Recorder within two years of preliminary approval.

(b) Phase II requirements for final approval shall be completed and filed with the County Recorder within three years of preliminary approval.

(c) Phase III requirements for final approval shall be completed and filed with the County Recorder within four years of preliminary approval. (Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)

### **13.120 Criteria for Approval of Preliminary Plans.**

A decision on the preliminary plan shall be subject to Director approval pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~. (Revised by Ordinance No. 16-83; Effective 9.14.83)

### **13.130 Duration of Preliminary Plan Approval.**

(1) Approval of a preliminary partition, subdivision or replat plan shall be valid for two years from the date of approval of the preliminary plan, provided that if approval of a preliminary subdivision plan provides phase development, the approval shall be valid for the time specified for each phase, subject to the limitations of LC 13.110.

(2) Approval of any preliminary partition, subdivision or replat plan, not requiring phasing shall be valid for two years from the date of approval to date of completion of all requirements and filing with the County Recorder.

(3) If any time limitations are exceeded, approval of the preliminary partition or subdivision plan, and any subsequent subdivision phases, shall be void, unless extended. Any subsequent proposal by the applicant for division of the property shall require new action by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~. (Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)

### **13.200 Granting of Extensions.**

(1) Approval Authority. An extension to an approved preliminary partition or subdivision plan, or to a phased development to an approval preliminary subdivision plan, is a routine administrative action approvable by the Director.

(2) Criteria for Approval of Extensions.

(j) A designation of any area being dedicated by the applicant, including its purpose and an effective written dedication thereof.

(k) A designation of any special notice, requirement or restriction required by the County as a condition of approval.

(5) Accompanying Materials. The plat shall be accompanied by the following:

(a) An exact reproducible transparency which complies with LC 13.230(3).

(b) A subdivision guarantee, or equivalent document, issued by a title insurance company, verifying ownership of all property that is to be dedicated to the public. The document shall be current within 30 days of final plat filing.

(c) Computation sheets for all boundary lines and of all lot lines.

(d) A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants and restrictions.

(e) A copy of any documents relating to special notice, requirement or restriction required by the County as a condition of approval. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

#### **13.400 Amendments to Preliminary Plans and Final Plats.**

(1) Approval of Minor Amendments. A minor amendment to an approved preliminary partition or subdivision plan, or to an approved plat, is a routine administrative action approvable by the Director.

(2) Approval of Major Amendments. Approval of a major amendment to an approved preliminary partition or subdivision plan, or final plat shall be an administrative action subject to Type II procedures of LC Chapter 14~~the provisions of LC 14.100~~ for Director decisions.

(3) Road Vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

#### **13.450 Property Line Adjustments.**

(1) No person shall relocate or eliminate all or a portion of a common property line without review and approval of a property line adjustment application or as otherwise provided by this chapter.

(2) The Planning Director shall review one or more property line adjustments when the following standards are met:

(a) An application is submitted on a form provided by the County; and

(b) Owner(s) of all properties involved in the property line adjustment consent in writing to the proposed adjustment and agree to record a conveyance or conveyances conforming to the approved property line adjustment; and

(c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties that does not create an additional unit of land; and



(d) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.

(3) A property line adjustment of a common property line between abutting F-1 zoned properties where each parcel is vacant and larger than 200 acres before and after the property line adjustment is exempt from review and approval unless the Applicant requests Planning Director review and notice.

(4) An applicant must obtain ministerial approval or may use the Planning Director review with public notice procedures if the property line adjustment is for:

(a) The adjustment of a common property line involving only F-1 zoned properties which are less than 200 acres and the applicant submits a title report for each F-1 property that demonstrates the properties are not encumbered by a nonrevocable deed restriction required for certain forest dwellings pursuant to ORS 215.740 and OAR 660 Division 06; or

(b) The adjustment of a common property line between properties in any zone if each adjusted property is vacant and complies with the minimum area requirements of the zoning before and after the property line adjustment; or

(c) The adjustment of a common property line between properties where a surveyor certifies that any property reduced in size by the adjustment is not reduced below the minimum lot or parcel size for the applicable zone, and where the setbacks from existing structures and improvements do not become nonconforming or more nonconforming with the setback requirements.

(5) All other property line adjustment applications are subject to Planning Director review with public notice, pursuant to Type II procedures of LC Chapter 14~~LC 14.050 and 14.100.~~

(a) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size for the applicable zone after the adjustment.

(b) Subject to subsection (c) of this section, the Planning Director may approve a property line adjustment in which:

(i) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(c) On land zoned for exclusive farm use or forest use, a property line adjustment under subsection (b) of this section may not be used to:

(i) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(ii) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(iii) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land

use approval would be based on an acreage standard. (*Revised by Ordinance No. 2-09; Effective 1.8.10; 14-09, 12.16.14*)

### **13.500 Variances.**

(1) Approval Authority. A decision on a variance shall be an administrative action subject to the provisions of Type II procedures of LC Chapter 14~~LC 14.100~~ for a decision by the Director.

(2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:

(a) Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(3) Application Requirements.

(a) The application shall be submitted pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~ and concurrently with applications for preliminary or final approval. (*Revised by Ordinance No. 16-83*)

### **13.600 Appeals.**

(1) Procedure for Appeals. The procedure for appeals of Director decisions made pursuant to Type II procedures of LC Chapter 14~~LC 14.100 shall be as specified for appeals~~ to the Hearings Official are specified in in LC 14.~~500~~080.

(2) Other Appealable Decisions. The following Director actions are appealable to the Hearings Official by the applicant, and the procedure for such appeals shall be as specified in LC 14.~~500-080~~ for appeals to the Hearings Official.

(a) A written decision to approve or deny an extension.

(b) A written decision to deny final approval of a map or plat. (*Revised by Ordinance No. 16-83; Effective 9.14.83*)

### **13.700 Enforcement.**

(1) In addition to, and not in lieu of any other enforcement mechanism authorized by Lane Code, when the Director or designee determines that a person has failed to comply with any provision of LC Chapter 13, the Director or designee may impose upon a responsible person an administrative civil penalty as provided by LC 5.017.

(2) In addition to penalties provided for by LC 13.700(1) above, Lane County may seek equitable relief for violations of LC Chapter 13 pursuant to LC 14.~~700(3)090~~.

(3) Whenever the Director determines that property has been partitioned or subdivided in a manner contrary to any of the provisions of this chapter, the Director may

At left margin indicates changes

**Bold** indicates material being added

~~Strikethrough~~ indicates material being deleted

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prepare a report describing the nature thereof, the legal description of the property and the name of the owner. Upon review of the report, and concurrence by the Office of Legal Counsel, the Director shall record the report, with a statement that no building permits will be issued for the described property, in the Lane County Records of Deeds. The Director shall promptly forward a copy of the recorded report to the owner(s) of record of the subject property. At such time as the failure to comply ceases to exist or is changed, the Director shall record an appropriate statement setting forth the current status of the property insofar as its relationship to the provisions of this chapter is concerned. Nothing in this section shall be deemed to require such recording as a condition precedent to the enforceability of any other provisions of this chapter.

(4) The enactment or amendment of this chapter shall not invalidate any prior existing or future prosecutions for violations, or failures to comply, committed under previous applicable Sections of LC Chapter 13 then in effect. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-93, 4.16.93; 1-00, 4.12.00)*

(14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

#### **16.004 Scope and Compliance.**

(1) A tract of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy or otherwise, only as this chapter permits.

(2) In addition to complying with the criteria and other provisions within this chapter, each development shall comply with the applicable standards adopted and published by the Director.

(3) The requirements of this chapter apply to the person undertaking a development or the user of a development and to the person's or user's successors in interest.

(4) Prior to the zoning or rezoning of land under this chapter, which will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential equivalent water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).

(5) Prior to the zoning or rezoning of land under this chapter, for lands situated within the designated community areas listed below, an affirmative conclusion stating the reasoning and facts relied upon, must be made that densities allowed by the proposed rezoning are low enough to provide reasonable assurance that any existing sewage problems will not be further aggravated by development of the subject property:

- (a) Cheshire.
- (b) Elmira.
- (c) Goshen.
- (d) Heceta.
- (e) Mapleton.
- (f) Marcola.
- (g) Vaughn. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

#### **16.005 Use of a Development.**

(1) A Development May Be Used Only For a Lawful Use. A lawful use is a use that is not prohibited by law or which is nonconforming pursuant to LC 16.251 below of this chapter.

(2) Grading, Excavation and Clearing. Grading and clearing by mechanical equipment for either road and/or development purposes may be restricted or regulated by the Approval Authority either at the time of approval of a development permit or of an application if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose.

(3) Conditions. The following conditions may be imposed at the time of approval of a development for which a permit or application is required and for which a finding has been made as required in LC 16.005(2) above in order to ensure site and area stability:

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- (a) Maintain vegetation and eliminate widespread destruction of vegetation.
- (b) Carefully design new roads and buildings with respect to:
- (i) Placement of roads and structures on the surface topography.
  - (ii) Surface drainage on and around the site.
  - (iii) Drainage from buildings and road surfaces.
  - (iv) Placement of septic tank disposal fields.
- (c) Careful construction of roads and buildings:
- (i) Avoid cutting toeslopes of slump blocks.
  - (ii) Careful grading around the site, especially avoiding oversteepened cut banks.
  - (iii) Revegetating disturbed areas as soon as possible.
- (d) Certification by a geologist or engineer that the above conditions have been complied with and/or that a hazard does not exist.

(4) Sensitive Bird Habitat Protection Standards and Criteria. All uses or activities permitted or conditionally permitted within the zones identified in LC 16.005(4)(a) below shall be subject to the additional procedures and requirements in LC 16.005(4)(b)-(g) below, provided such uses are located on property identified as a sensitive bird habitat area via Rural Comprehensive Plan Flora and Fauna Policy 18 and LM 11.400.

(a) Applicable Zones.

| Zone Classification                                    | Abbreviation | Section No. |
|--|--------------|-------------|
| Nonimpacted Forest Lands                               | F-1, RCP     | 16.210      |
| Impacted Forest Lands                                  | F-2, RCP     | 16.211      |
| Exclusive Farm Use                                     | E-RCP        | 16.212      |
| Natural Resource                                       | NR-RCP       | 16.213      |
| Marginal Lands   | ML-RCP       | 16.214      |
| Park and Recreation                                    | PR-RCP       | 16.215      |
| Sand, Gravel and Rock Products                         | SG-RCP       | 16.217      |
| Sand, Gravel and Rock Products<br>Combining Processing | SG-CP-RCP    | 16.218      |
| Public Facility  | PF-RCP       | 16.219      |
| Limited Commercial                                     | C-1, RCP     | 16.220      |
| Neighborhood Commercial                                | C-2, RCP     | 16.221      |
| Commercial   | C-3, RCP     | 16.222      |
| Rural Commercial                                       | C-R, RCP     | 16.223      |
| Limited Industrial                                     | M-1, RCP     | 16.224      |
| Light Industrial                                       | M-2, RCP     | 16.225      |
| Heavy Industrial                                       | M-3, RCP     | 16.226      |
| Inmate Work Camp                                       | IWC, RCP     | 16.227      |
| Suburban Residential                                   | RA-RCP       | 16.229      |
| Garden Apartment Residential                           | RG-RCP       | 16.230      |
| Rural Residential                                      | RR-RCP       | 16.231      |
| Destination Resort                                     | DR-RCP       | 16.232      |
| Clear Lake Watershed Protection                        | CLWP-RCP     | 16.258      |

(b) Development Plan Submittal. The person proposing the development shall submit plans to the Department which sufficiently identify the location, nature and scope of the proposed use or activity.

(c) Referral. Upon receipt of the plans identified in LC 16.005(4)(b) above, the Department shall refer a copy of the plans to the Oregon Department of Fish and Wildlife (ODFW).

(d) ODFW Review. Upon receipt of the plans identified in LC 16.005(4)(b) above, the ODFW shall review the proposed use of activity and make a determination of whether or not the use or activity would affect a sensitive bird habitat. In making this review and determination, the ODFW shall consult with the affected landowner(s) and appropriate state agencies, and shall address the standards in LC 16.005(4)(d)(i) and (ii) below. The basis for the determination shall be stated in writing, completed within seven working days of receipt, and then submitted to the Department (Lane County).

(i) A sensitive bird habitat will be considered affected by a use or activity if the use or activity is located within 660 feet of an eagle or osprey site or within 300 feet of a heron rookery or pigeon mineral spring.

(ii) A sensitive bird habitat may also be considered affected by a use or activity if the use or activity is located a greater distance than specified in LC 16.005(4)(d)(i) above, considering unique conditions of topography or the individual habits of the bird(s).

(e) No Affects Determined. If the ODFW determines that the sensitive habitat area will not be affected, then the ODFW will give the Department written notice of its determination, and Lane County may proceed with authorization of the use or activity, or with the processing of any other required applications.

(f) Affects Determined and Protection Plan. If the ODFW determines that the sensitive habitat area will be affected, the ODFW shall work with the affected landowner(s) in the development of a site specific habitat protection plan. The plan shall consider the proposed use or activity and its interrelationship to and affects upon nesting trees, perch trees, critical nesting period roosting sites and/or buffers for wind, vision and noise. The plan must contain a statement of reasons, supported by facts, explaining why the sensitive bird habitat would not be adversely affected by the proposed use or activity. The plan shall then be submitted to the Department.

(g) Director Approval. The proposed uses or activities identified in the habitat protection plan shall be reviewed ~~by the Director pursuant to LC 14.100~~ using Type II procedures of LC Chapter 14 and shall be allowed if in conformance with the following approval criteria:

(i) The proposed use or activity would not adversely impact a sensitive wildlife habitat.

(ii) Conditions placed upon the approval of the habitat protection plan would avoid or eliminate any adverse impacts upon a sensitive wildlife habitat. Conditions may include setbacks, limitations upon the time period for the operation of the use or activity and/or prohibition of conflicting uses.

(h) LC 16.005(4)(a)-(g) do not apply to the protection of sensitive bird habitat from forest practices as regulated by the Forest Practices Act and as regulated by the COOPERATIVE AGREEMENT BETWEEN OREGON STATE BOARD OF FORESTRY AND OREGON STATE FISH AND WILDLIFE COMMISSION as adopted by Lane County in Rural Comprehensive Plan Goal 5 Flora and Fauna Policy 17.

(5) Scenic Byway/Tour Route Off-Premise Sign Requirements. New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 16.005(5), below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services



**16.090 Definitions.**

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, shall be considered as providing ordinary accepted meanings. Where specific terms are not defined relating to marijuana and commercial uses in connection with recreational marijuana as regulated by state law, the definitions contained in Oregon Laws, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), Oregon Liquor Control Commission (OLCC) interpretation(s), and case law interpretations apply directly.

Acceptance. Received by and considered by the Director as sufficiently complete to begin processing according to the application or appeal review procedures of this chapter.

Accepted Farming Practice. A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Accessory. Incidental, appropriate and subordinate to the main use of a tract or structure.

Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

Agriculture. Synonymous with definition of "farm use."

Agricultural Building (1) Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

- (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
- (ii) The raising, harvesting and selling of crops or forest products;
- (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- (iv) Dairying and the sale of dairy products;
- (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

(b) "Agricultural building" does not include:

- (i) A dwelling;
- (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
- (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
- (iv) A structure used by the public; or

(v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

(c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:

- (i) Stabling or training equines; or
- (ii) Riding lessons and training clinics;

(d) "Equine facility" does not include:

- (i) A dwelling;
- (ii) A structure in which more than 10 persons are present at any

one time;

(iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or

(iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

Alter or Alteration. Any change, addition or modification in use construction or occupancy. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.

Amendment, Minor. A change to a preliminary plan, plat or map which:

(1) Does not change the number of lots or parcels created by the subdivision or partition;

(2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;

(3) Does not change the general location or amount of land devoted to a specific land use; or

(4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

Amendment, Major. A change to preliminary plan, plat or map which is not a minor amendment.

Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Appearance. Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name or address on a petition.

Approval Authority. A person, or a group of persons, given authority by Lane Code to review and/or make decisions upon certain applications according to the review procedures of Lane Code Chapter 14.

Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.



Aquaculture. The raising, feeding, planting and harvesting of fish, shell fish or waterborne plants and associated facilities necessary for the use.

Area. The surface included within any set of lines which may be further defined in square feet or acres, exclusive of County or local access public street.

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

Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.

Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is located on the same tract as a Winery, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery.

Biofuel. The liquid, gaseous or solid fuels derived from biomass.

Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:

(1) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(2) Wood material from hardwood timber described in ORS 321.267(3);

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS Chapter 459 or 459A;

(6) Yard or wood debris collected as provided under ORS chapter 459 or 459A;

(7) Wastewater solids; or

(8) Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote pentachlorophenol, inorganic arsenic or other inorganic chemical compounds or waste, other than matter described above.

Board. Board of County Commissioners of Lane County.

Boarding of Horses. The boarding of horses for profit shall include the following:

(1) The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and

(2) Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

(a) The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.

- (b) The incidental stabling of not more than four horses.
- (c) The boarding of horses for friends or guests where no charge is made.
- (d) Equestrian activities when the raising, feeding, training or grooming

of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Boarding House. A dwelling or part thereof, in which lodging is provided by the owner which equals or exceeds the limitations of a bed and breakfast accommodation.

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.

Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings.

Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

Camp. An area designed for organizational recreation which may include facilities such as; swimming pools, meeting halls and indoor shelters for recreation.

Campground. An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

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.

Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.

Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapter 16, and which is consistent with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies.

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 Recreation. Occurs in offshore 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 off-highway vehicles (OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.

Compost. The controlled biological decomposition of organic material or the product resulting from such a process.

Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.

County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.

Cultured Christmas Trees. Means trees:

- (1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (2) Of a marketable species;
- (3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;

(2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;

(4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);

(8) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267(3) or 321.824(3); and

(11) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:

(a) Only the crops of the landowner are being processed;

(b) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

(c) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Day. A calendar day, computed consistent with ORS 174.120.

Day Care Nurseries. Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, 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. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

Department. The Lane County Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

(1) The limits of dredging precision which causes "overdepth"; and

(2) The practice, where approved by the Corps of Engineers, of “advanced maintenance” overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

Destroy. To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.

Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.

Disposal site. For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

(1) “Disposal site” does not include:

(A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

(C) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;

(D) A site operated by a dismantler issued a certificate under ORS 822.110; or

(E) A site used for the storage of dredged materials.

Dune. A hill or ridge of sand built up by wind along sandy coasts.

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation. free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.

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, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or



cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

Dune, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.

Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, mobile homes and camping vehicles. Where the term, "dwelling," is used in Lane Code Chapter 16, it shall mean a single-family dwelling unless otherwise noted.

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other and having housekeeping facilities for each family.

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

Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.

Estuary/Estuarine. A body of water semienclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.

Exploration. Superficial survey measures which do not include active seismic surveys or prospect well drilling.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Family. An individual or two or more persons related by blood or marriage or group of not more than five persons (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.

Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide either full-time or part-time supervision and care for no more than 12 children including the children of the resident-operator(s).

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

(2) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;

(3) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);

(5) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or

(6) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition.

Fill. The placement by humans of sand, gravel, earth, sediment or other material to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (nonfloating) and dredge material can also be considered fill if they: (a) involve the human placement of materials; and (b) create new uplands or raise the elevation of land.

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters from any source.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

Floor, Habitable. A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

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 Operation. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

Forest Uses. Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Garage, Private Parking. 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 chapter, and which is 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 which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

General Merchandise. Items for human use, including: books and stationary, newspapers and magazines, clothing, furniture, drugs, curios and antiques, plants and flowers, household goods and furnishings, musical instruments and supplies, seeds and garden supplies, sporting goods, jewelry, art objects and supplies, pottery, handicrafts, photographic supplies, optical goods.



Grazing. The use of land for the pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals alone or in conjunction with agricultural pursuits.

Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.

Group Care Home. Any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

Guest House, Servant's Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.

Hearings Official. A person who has been appointed by the Board of County Commissioners to serve at its pleasure and at a salary fixed by it.

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

Historic Structure or Site. Property which had been identified by Lane County in its adopted Rural Comprehensive Plan findings as:

- (1) Historically significant.
- (2) In need of protection in order to preserve its historical significance, and for which the means of protection shall be the application of the Historic Structures or Sites Combining (/H-RCP) Zone.

The above sites are also identified separately in LM 11.300.

Horticultural Specialties. A crop distinguishable from typical commercial crops mentioned in the farm groupings of the EFU zone which are conducive to intensive management techniques.

Hydraulic. Related to the movement or pressure of water.

Hydraulic hazards. 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).

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

Indigenous Vegetation. Plant species not introduced directly or indirectly into a particular area from the outside. Originating or developing or produced naturally in a particular area.

**Intensification.** Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

**Interdune Area.** Low-lying areas between higher sand landforms and which are generally under water during part of the year.

**Interior Lot.** A lot, other than a corner lot, having frontage on only one street.

**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 river mouth by preventing the build up of material at the river's mouth, and to direct or confine the stream or tidal flow.

**Kennel; Commercial.** A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

**Kennel; Commercial Breeding.** A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

**Kennel; Noncommercial.** An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

**Lawfully Established Unit of Land.**

(1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or

(2) Another unit of land:

(a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

(c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

**Legal Interest.** An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

**Legal Lot.** A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.

**Loading Space.** An off street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**Lot.** A unit of land that is created by a subdivision of land.

Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.

Lot Line; Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line; Side. Any lot line which is not a front or rear line.

Lot of Record. A legal lot which meets all of the lot of record standards specified in ORS Chapter 215 (Sections 9 to 13, Chapter 884, Oregon Laws) and is entitled to a dwelling or mobile home irrespective of land use regulations.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Low Intensity. An activity or use conducted at a level that does not require developed facilities and can be accommodated without change to an area or resource.

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.

Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code.

Map, Partition. A final diagram and other documentation relating to a major or minor partition.

Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300. (OAR 845-025-1015(24))

Marijuana processing. A use where a marijuana processor processes marijuana.

a) For the purpose of this definition the term "marijuana processor" means a person who processes marijuana items in the State of Oregon. (OAR 845-025-1015(28)).

b) For the purpose of this definition the term "processes" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts. (OAR 845-025-1015(39)).

c) In accordance with ORS 215.213(1)(u), a facility for processing farm crops may be allowed in an Exclusive Farm Use (EFU) zone as part of the marijuana production use:

i. If the processing facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility

ii. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.

iii. A processing facility or establishment must comply with all applicable siting standards.

Marijuana production.

a) A use where a marijuana producer, produces marijuana. This use is considered a farm use, as that term is defined in ORS 215.203. Additionally, the mature marijuana is considered a crop and farm product as it related to the terms “farm”, and “farming practice”, as those terms are applied in ORS 30.930.

b) Drying and storage of marijuana by a marijuana producer is considered “preparation” of a farm product and is included as part of the definition of farm use in OAR 660-033-0020(7)(b)(A).

c) “Preparation” of a farm product also includes cleaning, treatment, sorting, or packaging.

d) Wholesale distribution of a farm crop is allowed as part of a farm use, as defined in ORS 215.203(2)(a) as “disposal by marketing or otherwise of the products...”.

e) For the purpose of this definition the term “produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42))

i. The definition of “produces” does not include:

1. Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.

2. The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

f) For the purpose of this definition the term “marijuana producer” means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))

Marijuana research. A use that includes those activities specified in an OLCC approved research proposal that are conducted by qualified public or private researchers that are in possession of a valid OLCC Marijuana Research Certificate pursuant to ORS 845-025-5300.

Marijuana retail sales. A use where marijuana is bought and sold by a marijuana retailer.

a) For the purpose of this definition the term “marijuana retailer” means a person who sells marijuana items to a consumer in the State of Oregon. (OAR 845-025-1015(30))

Marijuana testing laboratory. A use that includes the testing of marijuana in a laboratory certified by the authority under ORS 438.605 to 438.620 and for the purposes specified within OAR 845-025.

Marijuana wholesale distribution. A use where marijuana is bought and sold by a marijuana wholesaler. This use includes packaging and labeling.

a) For the purpose of this definition the term “marijuana wholesaler” means a person who purchases marijuana items in the State of Oregon for resale to a person other than a consumer. (OAR 845-025-1015(31))

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

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 nonsurface 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. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); the creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological 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 and was constructed before January 1, 1962; or a mobile house, a 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 and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a 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 and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in

connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

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.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that as defined by "Residential Home".

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.

100 Year Flood. See "Base Flood".

Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

Ordinary Low Water. The low watermark of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers' flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high waterline.

Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

Parcel.



- (1) Includes a unit of land created:
  - (a) by partitioning land as defined in LC 16.090,
  - (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
  - (c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
- (2) It does not include a unit of land created solely to establish a separate tax account.

Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

Parking Area, Public. Privately 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 for retail customers, patrons and/or clients as required by this chapter.

Parking Space. A permanently maintained space with proper access for one standard sized automobile.

Partition. Either an act of partitioning land or an area or tract of land partitioned.

Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:

- (1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;
- (3) Dividing land as a result of the recording of a subdivision or condominium plat;
- (4) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

~~Party. With respect to actions pursuant to LC 14.100 and LC 14.200, the following persons or entities are defined as parties:~~

~~(1) The applicant and all owners or contract purchasers of record, as shown in the files of the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.~~

~~(2) Any County official.~~

~~(3) Any person, or his or her representative, and entity who is specially, personally or adversely affected by the subject matter, as determined by the Approval Authority.~~

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board of Commissioners and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

Personal Services. Laundering, dry cleaning and dyeing; rug cleaning and repair; photographic services; beauty and barber shops; apparel repair and alterations; shoe repair and maintenance; etc.

Planning Commission. The Planning Commission of Lane County, Oregon.

Plat. A final diagram and other documents relating to a subdivision.

Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Primary Processing Facility. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this definition, means timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.

Professional Services. Medical and health services, legal services and other professional services, including those related to: engineering, architecture, education, scientific research, accounting, planning, real estate, etc.

Property Line. "Property line" means the division line between two units of land.

Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

Received. Acquired by or taken into possession by the Director.

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

(1) Low-Intensity Recreation. Activities that do 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.

(2) High-Intensity Recreation. Uses specifically built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, concentrated OHV use, 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, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal



projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

**Recreational Vehicle Park.** A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

**Refinement Plan.** Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

**Removal.** The act of removing or fact of being removed by a person: i.e., to cut the main stem or trunk of vegetation or to spray the foliage of vegetation which results in the significant loss of growth or health or the death of vegetation; to mechanically or manually disrupt or dislodge the root structure of vegetation resulting in significant loss of growth or health or causing the death of vegetation.

**Replacement in Kind.** The replacement of a structure of the same size as the original and at the same location on the property as the original.

**Residential Care Facility.** As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

**Residential Home.** As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

**Restoration, Active.** Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

**Restoration, Estuarine.** 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 LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); 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.

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

Restoration, Shorelands. 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 LC 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD; shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

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.

Roadside Stand. A use providing for the retail sale of any agricultural produce where more than one-half of the gross receipts result from the sale of produce grown on the unit of land where the roadside stand is located.

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;
- (2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
- (3) In an unincorporated community.

School. A place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of Education is provided.

Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

(1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

(2) Sewerage Facility, Individual. A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

(3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Shelter Home. A certified foster home or a licensed facility contracted with the state Children's Services Division for the purpose of safekeeping of children taken into

temporary custody pending investigation and disposition, where the circumstances are such that the children need not be kept in secure custody.

Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.

Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot.

Solid Waste Management. A planned program providing for the collection, storage and disposal of solid waste including, where appropriate, recycling and recovery.

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State Plane Coordinate System. The system of plane coordinates which has been established by the U.S. Coast & Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Oregon.

Structure. Synonymous with the definition of building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Structure or Facility that Provides Water-Dependent Access. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged

condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.

**Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Temporary Alteration.** Dredging, filling, or another estuarine alteration occurring over a specified short period of time THAT is needed to facilitate a use allowed by an acknowledged 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 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.

**Tidal Marsh.** Wetlands from lower high water(LHW) inland to the line of non-aquatic vegetation.

**Tract.**

(1) A lot or parcel as defined in LC 16.090.

(2) For the purposes of LC 16.211, "Tract" means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage because it is crossed by a public road or waterway.

**Urban.** Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

**Urbanizable.** Those lands within an urban growth boundary and which are identified and (a) determined to be necessary and suitable for future urban use areas, and (b) can be served by urban services and facilities, and (c) are needed for the expansion of an urban area.

**Use.** The purpose for which land, submerged or submersible lands, the water surface or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

**Veterinary Clinic.** Synonymous with the definition of "animal hospital."

**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 waterborne transportation, recreation, energy production or source of water.

(1) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); the following definitions apply:

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

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

(c) “Recreation” means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) “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;

(e) “Source of water” means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) “Water-borne transportation” means use of water access:

(i) Which are themselves transportation (e.g., navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.

(2) Typical examples of “water dependent uses” include the following:

(a) Aquaculture.

(b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.

(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); 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.

(e) Industrial. 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.

(f) Recreational. Recreational marinas, boat ramps and support.

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

Water Related Use. 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 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 or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines.

Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided herein.

Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

Yard, Rear. An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16))*

#### **16.095 Compliance With LC Chapter 15, Roads.**

Development subject to the provisions of this chapter shall comply with LC Chapter 15, Roads. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

### **DEVELOPMENTAL APPROVAL PROCEDURES RURAL COMPREHENSIVE PLAN**

#### **16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.**

Lane Code Chapter 14 is the procedure for submittal, acceptance, investigation and review of applications for development of lands under the jurisdiction of the Lane County Rural Comprehensive Plan with these additions:

(1) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 above instead of as specified in LC 14.015.

(2) Ex Parte Contacts. A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC ~~14.200(5)(a)~~14.070(5). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 5-02, 8.28.02)*

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ARE RESERVED FOR FUTURE EXPANSION

Lane Code  
CHAPTER 16 CONTENTS

NONIMPACTED FOREST LANDS ZONE (F-1, RCP)  
16.210 Nonimpacted Forest Lands Zone (F-1, RCP).



**NONIMPACTED FOREST LANDS ZONE (F-1, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.210 Nonimpacted Forest Lands Zone (F-1, RCP).**

(1) Purpose. The purpose of the Nonimpacted Forest Lands District (F-1, RCP) is:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan, and the forest land policies of the Eugene/Springfield Metro Area General Plan.

(b) To conserve forest land for uses consistent with Statewide Planning Goal 4.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operations.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of the land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use.

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and public fish hatcheries.

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.210(7)(a)(v) and (7)(c)(i)(aa).

(k) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes,



where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(l) Uses and development accessory to lawfully existing uses and development subject to the following:

(i) 'Same Site' development area is defined as a square with dimensions of 200 square feet which is centered on the footprint of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.210(7)(a)(iv) & (v), (c)(i)(aa), and (c)(iii); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the proposed accessory development is subject to the following discretionary siting standards: LC 16.210(7)(a), (b), (c)(i)(aa), (c)(iii), and (e).

~~Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500~~This use is allowed subject to prior submittal and approval of a verification of siting standards application pursuant to Type II procedures of LC Chapter 14.

(m) Marijuana production, subject to Lane Code 16.420.

(n) Marijuana wholesale distribution, subject to Lane Code 16.420.

(o) Marijuana research, subject to Lane Code 16.420.

(3) Uses Subject to Director Approval. The following uses may be allowed ~~provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100~~subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

- (c) Parks.
- (d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.
- (e) Television, microwave, and radio communication facilities and transmission towers.
- (f) Fire stations for rural fire protection.
- (g) Utility facilities for the purpose of generating five (5) megawatts or less of power.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.
- (l) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- (n) Home occupations, subject to the following conditions and annual review:
  - (i) Will be operated by a resident of the property on which the business is located.
  - (ii) Will employ no more than five full or part-time persons.
  - (iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2) above.
  - (iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.
  - (v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.
  - (vi) Will comply with sanitation and building code requirements.
  - (vii) Will not be used as a justification for a zone change.
  - (viii) Will comply with any additional conditions of approval.
  - (ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request

for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.210(3)(o) above, “hardship” means, “a medical hardship or hardship for the care of an aged or infirm person or persons”;

(ii) As used in LC 16.210(3)(o) above, “relative of the resident” means, “a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the existing residents”;

(iii) The manufactured home or recreational vehicle must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling;

(iv) The temporary manufactured home or recreational vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.210(3)(o)(vi) below, approval of a temporary manufactured home or recreational vehicle permit is valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirement;

(vi) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle must be removed from the property, converted to an allowable nonresidential use or demolished; and

(vii) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.210(3)(o) above shall not be eligible for replacement under LC 16.210(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.210(2) or LC 16.210(3), subject to LC 16.210(5)(d).

(x) Replacement of an intersection with an interchange, subject to LC 16.210(5)(d).

(xi) Continuous median turn lanes, subject to LC 16.210(5)(d).

(xii) Subject to LC 16.210(5)(d), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.210(5)(d), transportation facilities, services and improvements other than those listed in LC 16.210 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.210(7)(a) or (b) below, LC 16.210(7)(c)-(f) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(t) Permanent facility for the primary processing of forest products.

(u) Disposal site for solid waste approved by Lane County for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(v) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(w) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(x) Temporary portable facility for the primary processing of forest products.

(y) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(z) Uninhabitable structures accessory to fish and wildlife enhancement.

(aa) Temporary forest labor camps.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed ~~provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300~~ subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14, and provided the requirements in LC 16.210(5) below are met:

(a) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.210(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(7)(a) or (b), LC 16.210(7)(c)-(f), and the following requirements:

- (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code, and
- (ii) Only minor incidental and accessory retail sales are permitted.
- (iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.210(3)(a)-(u) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.210(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) Transportation facilities and uses listed in LC 16.210(3)(q)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(e) For uses authorized above in LC 16.210(4), the proposed uses will not significantly conflict with the livability and appropriate uses on adjacent and nearby lands.

(6) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.210(7) below and with these requirements:

- (i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property.

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) An alteration or replacement of a dwelling allowed by LC 16.210(6)(a) above shall be located on the same site as the existing dwelling. For the purpose of LC 16.210(6)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.;

(iv) For a replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(v) Land use approval of a permit described in LC 16.210(6)(a) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.090(7)(d)700(2)(d)(ii) ~~and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.210(6)(a)(v) above may be made and approved pursuant to LC 14.090(7)700(2);

(vi) A temporary manufactured home or recreational vehicle approved under LC 16.210(3)(o) above is not eligible for replacement under LC 16.210(6)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.210(6)(a)(i) or (iii) above is allowed subject to prior submittal **and approval** of an application pursuant to **Type II procedures of LC Chapter 14LC-14.050**, ~~approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal~~, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.210(7) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.



(iii) For a replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(iv) Land use approval of a permit described in LC 16.210(6)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.~~090(7)(d)700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.210(6)(iv) above may be made and approved pursuant to LC 14.090(7)700(2);

(v) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.210(6)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(7) Siting Standards for Dwelling, Structures and Other Uses. The following siting standards apply to all structures and other uses as specified above in LC 16.210(2)(h), (2)(l), (3), (4) and (6). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(7)(a) through (b) below shall be weighed together with the requirements in LC 16.210(7)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings and structures shall be sited as follows:

(i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%); and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.210(6)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 30 feet from all property lines other than those described in LC 16.210(7)(a)(v)(aa) above;

(cc) The minimum distance necessary to comply with LC 16.210(7)(a) above and LC 16.210(7)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, or structures:

(i) Fuel-FreeBreaks. The owners of dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

| <b>Size of the Primary Safety Zone by Percent Slope</b> |                             |   |
|---|-----------------------------|---|
| % Slope   | Feet of Primary Safety Zone | Feet of Additional Safety Zone Down Slope |
| 0   | 30                          | 0   |
| 10  | 30                          | 50  |
| 20  | 30                          | 75  |
| 25  | 30                          | 100                                       |
| 40  | 30                          | 150                                       |

Building shall be restricted to slopes of less than 40 percent. Dwellings shall not be sited on a slope greater than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Structural Fire Protection. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling is not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling that the property owner implement and



maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured home from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the residential structures in compliance with the standards in LC 16.210(7)(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule,

(OAR Chapter 629). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.210(7)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(7)(e). Evidence of compliance with the standards specified in LC 16.210(7)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for only one dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing at least six inches in depth of gravel or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, survey radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not more than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.210(6)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20% may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(8) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(9) Area. The creation of a new lot or parcel must comply with LC Chapter 13 for the submittal and approval of tentative plans and plats and with the following requirements:

(a) The minimum area requirement for the creation of new lots or parcels for land designated as Nonimpacted Forest Land (F-1) is 80 acres. An exception to this area requirement may be made pursuant to LC 16.210(9)(b)-(g) below;

(b) A parcel containing less than 80 acres may be created by partition to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel is not eligible for siting a new dwelling;

(iii) The parcel cannot serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) Allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(vi) The land division, cannot be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.210(9)(b) above signs a statement that is recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(c) New land divisions less than the 80 acre parcel size required by LC 16.210(9)(a) above are allowed for the uses listed in LC 16.210(2)(i), LC 16.210(3)(a) through (k), LC 16.210(3)(t) and (u), and LC 16.210(4)(a) and (b) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.210(2)(i), LC 16.210(3)(a) through (k), LC 16.210(3)(t) and (u), and LC 16.210(4)(a) and (b) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.210(9)(c) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(d) A division by partition of a lot or parcel for an existing dwelling subject to compliance with these requirements:

(i) The parcel created for the existing dwelling or manufactured dwelling may not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(ii) The existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.210(9)(d) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.210(9)(d) above. This restriction is irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.210(9)(d) above must sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) The Planning Director is required to maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.210(9)(d) above. The record shall be readily available to the public.

(e) A division by partition of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.210(6) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.210(9)(e) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.210(9)(e) above;

(v) A lot or parcel may not be divided under Lane Code 16.210(9)(e) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel;

(vi) A landowner allowed a division under LC 16.210(9)(e) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.210(9)(e) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to



statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for division under restrictions imposed by LC 16.210(9)(e)(vii) above. The record shall be readily available to the public.

(f) A division of a lot or parcel by partition if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.210(9)(f)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel;

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.210(9)(f) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(9)(f)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(g) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:

(i) The portion of the parcel within the UGB has been re-designed for urban uses under the applicable acknowledged comprehensive plan; and

(ii) The portion of the parcel that remains outside the UGB is smaller than 80 acres; and

(iii) The parcel must be divided along the UGB boundary line; and

(iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.

(v) If the parcel outside of the UGB does not contain a dwelling, the parcel:

(aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;

(bb) May not be considered in approving a re-designation or re-zoning of forestlands, except to allow a public park, open space, or other natural resource site.

(vi) A landowner allowed a land division under LC 16.210(9)(g) above shall sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(10) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 14-08, 11.5.14; 14-09, 12.16.14; 15-3, 04.17.15; 15-08, 12.15.15; 16-01, 2.25.16)*

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16.211 Impacted Forest Lands Zone (F-2, RCP).



**IMPACTED FOREST LANDS ZONE (F-2, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.211 Impacted Forest Lands Zone (F-2, RCP).**

(1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through 215.799.

(2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i), (n) and (o)(ii) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners ~~pursuant to LC 14.100(3) and (4)~~ with the opportunity for appeal pursuant to Type II procedures of LC Chapter 14~~LC 14.500~~. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures that are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and public fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.090(7)(d)700(5)(d)(ii) and ~~(iii)~~, an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.090(7)14.700(2).

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(e-e) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:  
(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(n) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.211(8)(a)(v) and (8)(c)(i)(aa).

(o) Uses and development accessory to existing uses and development, subject to the following

(i) 'Same Site' development area is defined as a square with dimensions of 200 square feet which is centered on the footprint of the primary structure to which the proposed use or development is accessory.

(ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.211(8)(a)(iv) & (v), (c)(i)(aa), and (c)(iii); or

(iii) If the proposed accessory development is located outside of the 'same site' development area, the accessory development is subject to the following discretionary siting standards: LC 16.211(8)(a), (b), (c)(i)(aa), (c)(iii), and (e). ~~Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500~~This use is allowed subject to prior submittal and approval of a verification of siting standards application pursuant to Type II procedures of LC Chapter 14.

(p) Marijuana production, subject to Lane Code 16.420.

(q) Marijuana wholesale distribution, subject to Lane Code 16.420.

(r) Marijuana research, subject to Lane Code 16.420.

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (g-g) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in LC 16.211(3)(a) through (g-g) below ~~shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal~~ is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (g-g) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(3)(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Private parks and campgrounds that comply with these requirements:

(i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, division 4;

(ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is

established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

(iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;

(iv) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. A 'yurt' means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by LC 16.211(3)(c)(iv) above;

(vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and

(vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period.

(d) Public parks including those uses specified under OAR 660-034-0035.

(e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.

(f) Fire stations for rural fire protection.

(g) Commercial utility facilities for the purpose of generating power that do not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, division 4.

(h) Aids to navigation and aviation.

(i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

(j) Reservoirs and water impoundment.

(k) Cemeteries.

(l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.

(n) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;

(iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;

(v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;

(vi) Shall comply with sanitation and building code requirements;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

(ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"

(iii) The manufactured home or recreational vehicle must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured home or recreational vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured home or recreational vehicle permit is valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements;



(vi) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle must be removed from the property, converted to an allowable nonresidential use, or demolished; and

(vii) A temporary manufactured home or recreational vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels;

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).

(x) Replacement of an intersection with an interchange, subject to LC 16.211(13).

(xi) Continuous median turn lanes subject to LC 16.211(13).

(xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Accommodations are located within one-quarter mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities described by ORS 526.215 or where accessory to forest operations.

(t) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

(w) Exploration for mineral and aggregate resources as defined in ORS chapter 517.

(x) Uninhabitable structures accessory to fish and wildlife enhancement.

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird or big game hunting seasons, or both, authorized by the Oregon Fish and Wildlife Commission; and

(iv) The use does not significantly conflict with the existing uses on adjacent and nearby lands.

(e-e) An outdoor mass gathering, and any part of which is held in open spaces, of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

(i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(g-g) Marijuana processing with a special use permit provided a dwelling is present, subject to Lane Code 16.420.

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property.

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) An alteration or replacement of a dwelling allowed by LC 16.211(4)(a) above shall be located on the same site as the existing dwelling. For the purpose of LC 16.211(4)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.;

(iv) For a replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(v) Land use approval of a permit described in LC 16.211(4)(a) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC ~~14.14.090(7)(d)700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC ~~14.090(7)14.700(2)~~;

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above is not eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from



pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14~~LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal~~, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above is valid for four years from the date of the approval. Notwithstanding the requirements in LC ~~14.14.090(7)(d)700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.090(7)14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above is not eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(5) Template Dwelling. One single-family dwelling is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14~~LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal~~, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

(a) The tract upon which the dwelling will be located has no other dwellings on it.

(b) The lot or parcel upon which the dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing zero to 49 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent

possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling, when the lot or parcel on which the dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(7), "Exhibit A," shall be

completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County;

(iii) Shall, together with a map or other record depicting any tract that does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property that is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC ~~14.090(7)(d)14.700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC ~~14.090(7)14.700(2)~~.

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(6) Lot of Record Dwelling. One single family dwelling is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14~~LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal,~~ and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(b) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(c) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(d) The tract on which the dwelling will be sited does not include a dwelling.

(e) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(f) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall meet the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(g) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.

(h) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(i) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC ~~14.090(7)(d)14.700(2)(d)(ii) and (iii)~~, an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC ~~14.090(7)14.700(2)~~.

(j) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(7) Large Tract Dwelling. One single family dwelling is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14~~LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal,~~ and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

(a) Is sited on a tract that does not contain a dwelling or manufactured home.

(b) Is sited on a tract that:



(i) Contains at least 160 contiguous acres; or  
(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(c) Prior to land use clearance of a building permit for the dwelling when the lot or parcel where the dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(7)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(d)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC ~~14.090(7)(d)14.700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(e) above may be made and approved pursuant to LC ~~14.090(7)14.700(2)~~.

(f) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h), (2) (j), and (2)(o), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible

with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;

(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all property lines other than those described in LC 16.211(8)(a)(v)(aa) above; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees

shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

| Size of the Primary Safety Zone by Percent Slope |                             |   |
|--|-----------------------------|---|
| % Slope  | Feet of Primary Safety Zone | Feet of Additional Safety Zone Down Slope |
| 0  | 30                          | 0   |
| 10   | 30                          | 50  |
| 20   | 30                          | 75  |
| 25   | 30                          | 100                                       |
| 40   | 30                          | 150                                       |

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Structural Fire Protection. The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet



from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(8)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed

water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not more than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The

Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from a engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Area. The creation of a new lot or parcel must comply with LC Chapter 13 for the submittal and approval of tentative plans and plats and with the following requirements:

(a) The minimum area requirement for the creation of new lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. An exception to this area requirement may be made pursuant to LC 16.211(10)(b)-(g) below;

(b) A parcel containing less than 80 acres may be created by partition to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel is not eligible for siting a new dwelling;

(iii) The parcel cannot serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) Allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) The land division cannot be used to justify the re-designation or rezoning of resource lands; and

(vi) A landowner allowed a land division under LC 16.211(10)(a) above signs a statement that is recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(vii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(c) New land divisions less than the 80 acre parcel size required by LC 16.211(10)(a) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k), LC 16.211(3)(z) through (b-b) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(z) through (b-b) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(d) A division by partition of a lot or parcel for an existing dwelling subject to compliance with these requirements:

(i) The parcel created for the existing dwelling cannot be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel cannot be larger than 10 acres;

(ii) The existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings or unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction is irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have

been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.211(10)(c) above must sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and

(vii) The Planning Director is required to maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.

(e) A division by partition of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) A lot or parcel may not be divided under Lane Code 16.211(10)(d) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel;

(vi) A landowner allowed a division under LC 16.211(10)(d) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for division under restrictions imposed by LC 16.211(10)(d)(vii) above. The record shall be readily available to the public.

(f) A division of a lot or parcel by partition if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.211(10)(e)(i)-(iv), below:



(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel; or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting of a dwelling as may be authorized under LC 16.211(5)-(7), based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.211(10)(e) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director shall maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.211(10)(e)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(g) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:

(i) The portion of the parcel within the UGB has been re-designated for uses under the applicable acknowledged comprehensive plan; and

(ii) The portion of the parcel that remains outside the UGB is small than 80 acres; and

(iii) The parcel must be divided along the UGB boundary line; and

(iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.

(v) If the parcel outside of the UGB does not contain a dwelling, the parcel:

(aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;

(bb) May not be considered in approving a re-designation or re-zoning of forestlands, except to allow a public park, open space, or other natural resource use.

(vi) A landowner allowed a land division under LC 16.211(10)(g) above shall sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(11) Youth Camps. The purpose of LC 16.211(11) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.120. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in LC 16.211(3)(c) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.



(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

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(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 7-10, 11.25.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12.16.14; 15-08, 12.15.15; 16-01, 2.15.16)*

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EXCLUSIVE FARM USE ZONE (E-RCP)

RURAL COMPREHENSIVE PLAN

16.212 Exclusive Farm Use Zone (E-RCP).

**EXCLUSIVE FARM USE ZONE (E-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.212 Exclusive Farm Use Zone (E-RCP).**

(1) Purpose. The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

(2) Definitions. Except as otherwise provided in LC 16.212(2) below, the definitions in LC 16.090 shall be used for LC 16.212.

(a) Contiguous. "Contiguous" means connected in such a manner as to form a single block of land.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. "Reconfigured" means any change in the boundary of the lot, parcel or tract.

(c) Dwelling. "Dwelling" means a "Dwelling, Single-Family" as defined by LC 16.090 and may include a manufactured dwelling. "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

(d) Farm Unit. "Farm Unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in LC 16.090.

(e) High Value Farm Land. "High value farmland" means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) and (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and

Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(iv) In addition to that land described in LC 16.212(2)(e)(i), (ii) and (iv) above, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, Brenner and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(v) In addition to that land described in LC 16.212(2)(e)(i) through (ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and

(cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(vi) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of "high value farmland."

(f) Irrigated. "Irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is 'irrigated' if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

(g) Tract. "Tract" means one or more contiguous lots or parcels under the same ownership.

(3) Permitted Uses. In the E-RCP Zone, the following uses and activities are allowed without notice and the opportunity for appeal subject to compliance with the general provisions and exceptions set forth by this chapter. A determination by the

director for whether or not a use fits within the classification of uses listed in LC 16.212(3) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to Type II procedures of LC Chapter 14~~LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500~~. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.212(3) below.

(a) Farm Use (See the definition of "farm use" in LC 16.090).  
(b) Propagation or harvesting of a forest product.  
(c) Other buildings customarily provided in conjunction with farm use.  
(d) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(e) Operations for the exploration for minerals as defined by ORS 517.750.

(f) Creation of, restoration of, or enhancement of wetlands.  
(g) Wineries that comply with LC 16.212(12)(a)(i) and (ii) or LC 16.212(12)(b)(i) and (ii).

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(j) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

(k) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(l) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(m) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(n) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(o) Changes in the frequency of transit, rail and airport services.

(p) On-site filming and activities accessory to onsite filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(iii) As used in LC 16.212(3)(q), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in LC 16.212(3)(q), "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(iv) As used in LC 16.212(3)(q), "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(v) In accordance with Section 34, Chapter 614, Oregon Laws 2015, a farm stand is prohibited in conjunction with a marijuana crop.

(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings and facilities associated with a site for the takeoff and landing of model aircraft must not be more than 500 square feet in floor area or placed on a permanent foundation unless the buildings or facility pre-existed the use approved under this subsection. The site cannot include an aggregate surface or hard surface unless the surface preexisted the use approved under this subsection. An owner of property used for the purpose authorized in this subsection may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this subsection, "model aircraft" means a small version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(s) Fire service facilities providing rural fire protection services.

(t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities associated, not including parks or other recreational structures and facilities, with a district as defined in ORS 540.505.



(u) Utility facility service lines that are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- (i) A public right of way;
- (ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- (iii) The property to be served by the utility.

(v) An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(e-e) below. "Outdoor mass gathering" or "other gathering," as those terms are used in LC 16.212(3)(v), do not include agri-tourism or other commercial events and activities.

(w) Composting operations and facilities that comply with these requirements:

- (i) Composting operations and facilities shall:
  - (aa) Be accepted farming practices in conjunction with and auxiliary to farm use on the subject tract;

- (bb) Limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility; and

- (cc) Meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.

- (ii) Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

- (iii) Composting operations and facilities on land not defined as high value farmland and that do not constitute accepted farming practices in conjunction with and auxiliary to farm use on the subject tract are subject to review under LC 16.212(4)(q).

(x) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings that existed on January 1, 2013, when:

- (i) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

- (ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(y) The slaughter, processing or selling of less than 1,000 poultry or poultry products for human food within one calendar year, pursuant to ORS 603.038.

(z) Uses and development accessory to existing uses and development, subject to the following:

- (i) 'Same Site' development area is defined as a square with dimensions of 200 square feet which is centered on the footprint of the primary structure to which the proposed use or development is accessory.

- (ii) If the proposed accessory development is located partially or entirely within the 'same site' development area, the accessory development is subject to the following clear and objective siting standards: LC 16.212(10)(b) through (e); or

- (iii) If the proposed accessory development is located outside of the 'same site' development area, the accessory development is subject to the following



discretionary siting standards: LC 16.212(10)(a) through (g). ~~Notice is required pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500~~This use is allowed subject to prior submittal and approval of a verification of siting standards application pursuant to Type II procedures of LC Chapter 14.

(aa) Marijuana production, subject to Lane Code 16.420.

(bb) Marijuana wholesale distribution, subject to Lane Code 16.420.

(cc) Marijuana research, subject to Lane Code 16.420.

(4) Special Uses - Director Approval. These uses are allowed ~~after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14.~~

(a) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;

(iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;

(v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;

(vi) LC 16.212(10)(f) through (g) below;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority;

(ix) May include the parking of vehicles if the home occupation is located on high value farm land; and

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) A residential home or facility that complies with these requirements:

(i) Shall be a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home;

(ii) Shall be located in a lawfully existing residence; and

(iii) LC 16.212(10)(f) through (h) below.

(c) Commercial activities in conjunction with farm use including the commercial processing of farm crops into biofuel not permitted as a farm use or pursuant to LC 16.212(4)(h) below, that comply with LC 16.212(10)(f) through (g) below.

(i) In accordance with Section 34, Chapter 614, Oregon Laws 2015, a commercial activity carried on in conjunction with a marijuana crops is prohibited.

(d) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities that comply with these requirements:

(i) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division; and

(ii) LC 16.212(10)(f) through (g) below.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in LC 16.090. Such a facility may be approved for a one year period that is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a tract where the primary processing facility is located.

(f) A transmission tower over 200 feet in height, not including a telecommunication facility defined by LC 16.264(2), that complies with LC 16.212(10)(f) through (g) below.

(g) Room and board arrangements for a maximum of five unrelated persons in an existing dwelling that comply with LC 16.212(10)(f) through (h) below.

(h) A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of more than 1,000 poultry or poultry products within a calendar year that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use;

(iii) A processing facility or establishment must comply with applicable requirements in LC 16.212(10)(a) through (e) below, to the extent they do not prohibit the siting of the processing facility; and

(iv) A land division of a lot or parcel may not be approved that separates the processing facility or establishment from the farm operation on which it is located.

(i) Utility facilities and transmission lines necessary for public service.

(i) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, provided such utility facilities comply with these requirements:

(aa) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

(A) Technical and engineering feasibility;

(B) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned E-RCP in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of available urban and non-resource lands;

(D) Availability of existing rights of way;

(E) Public health and safety; and

(F) Other requirements of state and federal agencies.

(bb) Costs associated with any of the factors listed in LC 16.212(4)(i)(i) above may be considered, but cost alone may not be the only consideration of determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(cc) The owner of a utility facility approved under LC 16.212(4)(i) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in LC 16.212(4)(i) above shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(dd) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Off-site facilities allowed under this paragraph are subject to LC 16.212(10)(f) through (g) below. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval;

(ff) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

(gg) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264;

(hh) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and

(ii) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(ii) An associated transmission line that is necessary for public service that meets either the requirements of LC16.212(4)(i)(ii)(aa) or (bb) below:

(aa) The entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in LC16.212(2)(e), or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;

(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(bb) After an evaluation of reasonable alternatives, the entire route of the associated transmission line meets two or more of (A) through (E) below and LC 16.212(10)(f) and (g) below. The Approval Authority may consider costs associated with any of the factors listed in LC16.212(4)(i)(ii)(bb)(A) through (E) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies;

(F) The applicant shall present findings to the county on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(j) Publicly owned parks and playgrounds that comply with these requirements:

- (i) LC 16.212(10)(f) through (g) below;
- (ii) Public parks shall include only those uses specified under

OAR 660-034-0035;

(iii) A public park may be established consistently with ORS 195.120; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(j) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(j)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(j)(iv) above.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;



(dd) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive six month period;

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iii) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(vi) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(k) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(k)(vi) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(k)(vi) above.

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(l) above within three miles of an urban growth boundary, unless an exception is approved pursuant to

ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(l)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(l)(iv) above.

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access

Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture following the procedures for notice in LC 14.060300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.

(q) Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 and that comply with these requirements:

(i) New uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting operations and facilities allowed on land not defined as high value farmland shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

(iv) LC 16.212(10)(f) through (g) below.

(v) LC16.212(4)(q)(vi) and (vii) below apply only to applications to:

(aa) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

(bb) Allow an existing disposal site for composting that sells, or offers for sale, resulting product to add or increase the following uses (i-i) and (ii-ii) below:

(i-i) Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or

(ii-ii) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

(vi) Prior to submittal of a special use permit, the Applicant must request and attend a pre-application conference with the county pursuant to the following:



(aa) The applicant must submit a completed pre-application conference application form with the associated fee. The submittal must contain information about the proposed/existing disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(bb) The county shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.

(cc) A representative of the planning department of the county and a representative of the Department of Environmental Quality will attend the conference along with representatives, as determined necessary by the county, of the following entities:

(i-i) Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting.

(ii-ii) A state agency, a local government or a private entity that provides or would provide to the proposed disposal site for composting one or more of the following:

(aaa) Water systems.

(bbb) Wastewater collection and treatment systems, including storm drainage systems.

(ccc) Transportation systems or transit services.

(iii-iii) A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting.

(iv-iv) The Department of Land Conservation and Development.

(vi-vi) The State Department of Agriculture.

(vii) After the pre-application conference and before submittal of a special use permit, the Applicant must hold a pre-application community meeting pursuant to the following standards:

(aa) Hold a community meeting within 60 days after the preapplication conference:

(i-i) In a public location within Lane County; and

(ii-ii) On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6 p.m. and 8 p.m.

(bb) Provide notice of the community meeting to:

(i-i) The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;

(ii-ii) Residents or occupants that receive mail at the mailing address of the real property described in LC 16.212(4)(q)(bb)(i-i) above if the mailing address of the owner of record is not the mailing address of the real property;

(iii-iii) Neighborhood and community organizations recognized by the Board if a boundary of the organization is within one-half mile of the proposed disposal site for composting;

(iv-iv) A newspaper of general circulation for publication;

(v-v) Local media in a press release; and

(vi-vi) The entities described in LC 16.212(4)(q)(iv)(cc) above.

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(cc) The applicant's notice provided under LC16.212(4)(q)(v)(bb) above of this section must include:

(i-i) A brief description of the proposed disposal site for composting;

(ii-ii) The address of the location of the community meeting; and

(iii-iii) The date and time of the community meeting.

(dd) During the community meeting, the applicant must provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(r) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(r)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(r)(iv) above.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995;

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

- (aa) For law enforcement personnel;
- (bb) By State department of Fish and Wildlife; or
- (cc) By nationally recognized programs that promote shooting matches, target shooting and safety; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(s) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(s)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(s)(iii) above.

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65;

(iii) LC 16.212(10)(f) through (g) below; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(t) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(t)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an

urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(t)(iv) above.

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding; or dog training classes or testing trials that cannot be established under LC 16.212(3)(x) above that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(w)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(w) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre,

crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, “mining” includes all or 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. “Mining” does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner 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, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. “Planted vineyard” means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iv) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a public or private school formerly allowed pursuant to LC 16.212(4)(b-b), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:

(aa) LC 16.212(10)(f) through (g) below;

(bb) The public or private school was established on or before January 1, 2009; and

(cc) The expansion occurs on:

(i-i) The tax lot on which the public or private school was established on or before January 1, 2009; or



(ii-ii) A tax lot that is contiguous to the tax lot described in LC 16.212(4)(b-b)(iv)(cc)(i-i) above and that was owned by the applicant on January 1, 2009.

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(b-b) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(b-b)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(b-b)(v) above.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below; and  
(ii) New destination resorts are not permitted on high value farm land.

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(c-c)(ii) above, lawfully existing destination resorts described in LC 16.212(4)(c-c) above that are on high value farm land may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(d-d) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)(d-d) are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(e-e) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period, and that complies with these requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) Armed forces reserve center that complies with these requirements:

(i) The center is within one-half mile of the main campus of a community college;

(ii) An “armed forces reserve center” includes an armory or National Guard support facility; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(f-f) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(f-f)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(f-f)(iii) above.

(g-g) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(g-g) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(g-g)(ii) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(g-g)(ii) above.

(h-h) Golf courses that comply with these requirements:

(i) “Golf Course” means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A “Golf Course” means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

(ee) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ff) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Uses allowed by LC 16.212(4)(h-h) above are not allowed on high value farm land as defined in ORS 195.300;

(iv) Notwithstanding LC 16.212(4)(h-h)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(h-h)(i) through (ii) above, but shall not be expanded to contain more than 36 holes; and

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(h-h) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.



(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(h-h)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(h-h)(v) above.

(i-i) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities, which comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) On high value farm land, the power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(i-i) above are allowed subject to compliance with ORS 469.504.

(j-j) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(37).

(k-k) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(38).

(l-l) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural

production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with ORS 215.246 through 215.251.

(m-m) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.

(n-n) A winery that complies with LC 16.212(12)(a)(i), (ii), and (iii) or LC 16.212(12)(b)(i), (ii), and (iii).

(o-o) Agri-tourism and other commercial events or activities that are related to and supportive of agriculture and that comply with these requirements:

(i) Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if in compliance with LC 16.212(4)(o-o)(iii) and (v) below; or

(ii) Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with LC 16.212(4)(o-o)(i) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial events or activities are in compliance with LC 16.212(4)(o-o)(iv) and (v) below.

(iii) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) above shall comply with the following standards:

(aa) Must be incidental and subordinate to existing farm use on the tract; and

(bb) May not, individually, exceed a duration of 72 consecutive hours.

(cc) Limited Use Permits approved under LC 16.212(4)(o-o)(i) shall be valid for two years from the date of the approval.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(i) may be renewed for an additional two years subject to:

(A) An application for renewal; and

(B) Demonstration of compliance with the provisions of LC 16.212(4)(i) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(iv) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(ii) above shall comply with the following standards:

(aa) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(bb) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(cc) Do not exceed 18 events or activities in a calendar year.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) shall be valid for two years from the date of the approval.

(ee) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) may be renewed at four year intervals subject to:

(A) An application for renewal;

(B) Public notice and public comment as part of the review process; and

(C) Demonstration of compliance with the provisions of LC 16.212(4)(ii) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(v) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) and (ii) above shall comply with the following standards:

(aa) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(bb) LC 16.212(10)(f) through (g);

(cc) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and

(dd) Must comply with conditions established for:

(A) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration or the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(B) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(C) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(D) Sanitation and solid waste.

(ee) The Approval Authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under LC 16.212(4)(o-o)(i) or (ii). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The Approval Authority may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under LC 16.212(4)(o-o)(i) or (ii), including, but not limited to, grading, filling or paving.

(ff) Event or activities authorized under LC 16.212(4)(o-o) shall not be allowed at a winery which conducts events or uses authorized under LC 16.212(12) below.

(p-p) Marijuana processing, subject to Lane Code 16.420.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below will not be given unless any additional taxes imposed on the change in use have been paid. On January 2, 2024, the provisions in LC 16.212(5)(a) and (b) (adopted to enact HB 2746) will sunset and the previous

replacement dwelling provision will be reintroduced unless otherwise acted upon by the legislature (Ordinance No.14-08).

(a) The alteration, restoration, or replacement in the same site of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property; and

(cc) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(ii) The dwelling has:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling must be sited in the same site as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(iv) In the case of replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(v) A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling;

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) The approval described in LC 16.212(5)(a) above is not subject to LC 14.~~700-090~~ and does not expire.

(ix) If a replacement dwelling approval was issued under LC 16.212(5)(a) and expired prior to January 1, 2014, the approval is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14-LC 14.050, ~~approval of the application by the Director pursuant to LC 14.100 provide written notice of the decision and an opportunity for appeal,~~ and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(aa) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(bb) If the value of the dwelling was eliminated from the tax roll as a result of the destruction of the dwelling, provide evidence the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated. Destruction can include by fire, natural hazard, or by a demolition permit.

(cc) If the value of the dwelling was improperly removed from the tax roll by a person other than the current owner, provide evidence. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(ii) The dwelling has or formerly had:

(aa) intact exterior walls and roof structure; and

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(iv) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section must comply with all applicable

siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, must execute and record in Lane County Deeds and Records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The Applicant must obtain the signature of the Director on the release which states that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(v) If the dwelling formerly had features described in LC 16.212(5)(b)(ii), was removed from the tax roll as described in LC 16.212(5)(b)(i)(bb) or (cc), or has a replacement dwelling permit that expired before January 1, 2014, then the replacement dwelling must comply with the following:

(aa) Be sited on the same lot or parcel; and

(bb) Use all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel as permitted by LC Chapters 15 and 16; and

(cc) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, site dwelling within a concentration or cluster of structures or within 500 yards of another structure.

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) Land use approval of a decision described in LC 16.212(2)(b) above is not subject to LC 14.090700 and does not expire.

(ix) If a replacement dwelling decision was issued under LC 16.212(5)(b) and expired prior to January 1, 2014, the decision is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) A relative farm help dwelling. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal and approval of an application pursuant to ~~LC 14.050 Type II procedures of LC Chapter 14, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal,~~ and compliance with these requirements:

(i) The dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a



farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below;

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite", as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(9)(a); and

(iv) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to in LC 16.212(5)(c) above.

(v) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) One manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal and approval of an application pursuant to ~~LC 14.050~~Type II procedures of LC Chapter 14, ~~approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal~~, and compliance with these requirements:

(i) The manufactured home or recreational vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(ii) The temporary manufactured home or recreational vehicle will comply with Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use, or demolished; and

(vi) A temporary manufactured home or recreational vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above; and

(vii) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to LC 16.212(5)(d) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal and approval of an application pursuant to ~~LC 14.050~~Type II procedures of LC Chapter 14, ~~approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal~~, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal and approval of an application pursuant to ~~LC 14.050~~Type II procedures of LC Chapter 14; ~~and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.~~ Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years;

(ii) Except as permitted in ORS 215.278 for accessory dwellings for farm workers, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(a)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(vi)        Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:



- (aa) On the same lot or parcel as the primary farm dwelling; or
- (bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
- (cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:
  - (A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or
  - (B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above; or
- (dd) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(6)(b)(ii)(dd) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;
- (iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;
- (iv) The primary farm dwelling to which the proposed dwelling would be accessory:
  - (aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
  - (bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:
    - (A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and
    - (B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.
- (v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(b) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling

customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(viii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of

existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.~~090(7)(d)700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.~~090(7)700(2)~~.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.~~090(7)(d)700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.~~090(7)700(2)~~.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$80,000 in gross farm income in the last two years, or three of the last five years or an average in three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iii) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(iv) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(i) above;

(v) In determining the gross income required by LC 16.212(6)(f)(i) and (ii)(aa) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted.

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland. The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal **and approval** of an application pursuant to ~~LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid~~**Type II procedures of LC Chapter 14.**

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years, or three of the last five years or an average of three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in



counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted as seasonal farmworker housing under ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

(v) LC 16.212(10)(h) and (i) below.

(vi) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

(iii) LC 16.212(10)(f) through (i) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(c) above is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

(ii) The lot or parcel where the dwelling will be located:

(aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;

(bb) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or

(cc) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and

(iii) LC 16.212(10)(f) through (h) below.

(iv) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or

(iii) The accessory farm dwelling will be located on:

(aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above; or

(cc) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(7)(e)(iii)(cc) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals

capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(ix) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.090(7)(d)700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.090(7)700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed



by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.~~060(c)~~~~160~~;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.~~090(7)(d)700(2)(d)(ii) and (iii)~~, an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.~~090(7)700(2)~~; and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$32,500 in gross farm income in the last two years, or three of the last five years or an average of three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(vii) Except in accordance with Section 34, Chapter 614, Oregon Laws 2015, a new dwelling used in conjunction with a marijuana crop is not permitted on land designated for exclusive farm use.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

| <u>Farm Group</u>                            | <u>Size</u> |
|--|-------------|
| Cash grains                                  | 120 acres   |
| Field crops (includes grass seed production) | 160 acres   |
| Tree fruit and nuts                          | 40 acres    |
| Horticultural specialties                    | 20 acres    |
| General farm, primarily crop                 | 320 acres   |
| Extensive animal grazing                     | 120 acres   |
| Intensive animal husbandry                   | 40 acres    |
| Dairy farm                                   | 240 acres   |
| General farm, primarily livestock            | 80 acres    |
| Berries and grapes                           | 20 acres    |

Vegetables and melons..... 120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (n) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25 ..... 25 acres

E-30 ..... 30 acres

E-40 ..... 40 acres

E-60 ..... 60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

Land preparation.

Ripping and plowing.

Fencing.

Surveying.

Crop cultivation.

Irrigation.

Herbicide; fungicide and/or fertilizer application.

Machinery.

Accessory farm buildings.

Breeding and livestock raising concerns.

Labor.

Projected expenses associated with the above.

Date by which the farm management plan would be substantially implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (q), (r), (s), (u), (v), (b-b), (e-e), (f-f), and (l-l) above.

(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E-RCP) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved under LC 16.212(4)(u) above;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

(i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;

(ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

(m) A division of land may be allowed to create a parcel for the non-farm use identified in LC 16.212(3)(t) above provided:

(i) The parcel is not larger than the minimum size necessary for the use; and

(ii) Any additional tax imposed for the change in use has been paid.

(n) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:

(i) The portion of the parcel within the UGB has been re-designated for urban uses under the applicable acknowledged comprehensive plan; and

(ii) The portion of the parcel that remains outside the UGB is smaller than the minimum parcel size pursuant to LC 16.212(9)(a) above; and

(iii) The parcel must be divided along the UGB boundary line; and

(iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.

(v) If the parcel outside of the UGB does not contain a dwelling, the parcel:

(aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;



(bb) May not be considered in approving a re-designation or re-zoning of forestlands, except to allow a public park, open space or, other natural resource use.

(vi) A landowner allowed a land division under LC 16.212(9)(n) above shall sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.397.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(3)(z)(iii) and (4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(3)(z) and (4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a) (i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings and development accessory to residential uses allowed under LC 16.212(3)(z)(iii) to be sited upon all other tracts shall be sited as follows:

(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to

the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(d) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall comply with the following:



(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Wineries. The purpose of LC 16.212(12) below is to provide for the establishment of a winery on a suitable property within the Exclusive Farm Use Zone.

(a) Facilities producing less than 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use under LC 16.212(12)(a)(i)(aa) or (bb) below, and complies with LC 16.212(12)(c) below:

(aa) The facility produces wine with a maximum annual production of less than 50,000 gallons and:

(A) Owns an on-site vineyard of at least 15 acres;  
(B) Owns a contiguous vineyard of at least 15 acres;  
(C) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or  
(D) Obtains grapes from any combination of the LC 16.212(12)(a)(i)(aa)(A) through (C) above.

(bb) The facility produces wine with a maximum annual production of at least 50,000 gallons and:

(A) Owns an on-site vineyard of at least 40 acres;  
(B) Owns a contiguous vineyard of at least 40 acres;  
(C) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery;  
(D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or

(E) Obtains grapes from any combination of the requirements in LC 16.212(12)(a)(i)(bb)(A) through (D) above.

(ii) Permitted Uses. In addition to producing and distributing wine, a winery established under LC 16.212(12)(a)(i) may:

(aa) Market and sell wine produced in conjunction with the winery.

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. The events on the first 6 days of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year license, subject to administrative review under the standards set forth in 16.212(12)(a)(ii)(dd)(A) below. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by LC 16.212(12)(a)(iii) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the county may impose conditions on a license related to:

(i-i) The number of event attendees;

(ii-ii) The hours of event operation;

(iii-iii) Access and parking;

(iv-iv) Traffic management;

(v-v) Noise management; and

(vi-vi) Sanitation and solid waste

(B) If the Approval Authority issues a license under LC 16.212(12)(a)(ii)(dd) above for agri-tourism or other commercial events, the county shall review the license at least once every five years and, if appropriate, may renew the license.

(C) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized LC 16.212(12)(a)(ii)(bb), (cc), or (dd).

(ff) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in LC 16.212(12)(a)(ii)(cc) above. Food and beverage services authorized under LC 16.212(12)(a)(ii)(ee) above may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(a)(ii)(cc) through (ee) above and 16.212(12)(a)(iii)(aa) below may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income by third parties unaffiliated with the winery.

(hh) At the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(a)(ii)(gg) above for the previous tax year;

(iii) Special Uses – Director Approval:

(aa) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year permit. The 5 year permit may be issued subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 submitted pursuant to LC 14.050, subject to review and notice pursuant to LC 14.100 and subject to the standards in LC 16.212(12)(a)(iii)(aa)(A) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the Approval Authority may impose conditions on a permit related to:

- (i-i) The number of event attendees;
- (ii-ii) The hours of event operation;
- (iii-iii) Access and parking;
- (iv-iv) Traffic management;
- (v-v) Noise management; and
- (vi-vi) Sanitation and solid waste;

(B) If the Approval Authority issues a permit under LC 16.212(12)(a)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(C) Complies with requirements of LC 16.212(12)(a)(ii)(gg) and (hh) and 16.212(12)(c) below.

(bb) Notwithstanding LC 16.212(12)(c)(ii)(bb) below, a setback of less than 100 feet may be permitted at the Approval Authority's discretion provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100 requested and approved through an application pursuant to Type II procedures of LC Chapter 14.

(b) Facilities producing at least 150,000 gallons of wine annually:

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(i) A winery may be established as a permitted use if it has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this LC 16.212(12)(b) and complies with the standards of LC 16.212(12)(c) below; and

(aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and

(bb) Owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(12)(b)(i)(aa) above;

(ii) Permitted Uses. In addition to producing and distributing wine, a winery described in subsection (b) of this section may:

(aa) Market and sell wine produced in conjunction with the winery;

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site;  
and

(C) Are limited to 25 days or fewer in a calendar year;  
and

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by LC 16.212(12)(b)(ii)(bb), (cc), or (dd).

(ff) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery is limited to operating a restaurant that is open to the public for no more than 25 days in a

calendar year. Except under LC 16.212(12)(b)(iii)(aa) below. A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(12)(b)(i) above.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(b)(ii)(cc) and (dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(hh) At the request of Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(b)(ii)(ff) above for the previous tax year.

(iii) Special Uses – Director Approval:

(aa) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism and other commercial events occurring on more than 25 days in a calendar year must demonstrate that the restaurant or agri-tourism and other commercial events comply with the following standards:

(A) LC 16.212(10)(f) and (g) below;  
(B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and  
(C) Does not materially alter the stability of the land use pattern in the area.

(D) Application is submitted and approved pursuant to ~~LC 14.050, subject to review and notice pursuant LC 14.100~~ Type II procedures of LC Chapter 14.

(E) If the Approval Authority issues a permit under LC 16.212(12)(b)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority will review the permit at least once every five years and, if appropriate, may renew the permit;

(F) Complies with requirements of LC 16.212(12)(c) below.

(bb) Sales or delivery of items or providing services not described in LC 16.212(12)(b)(ii)(bb) or (cc) or (gg) above may be authorized under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above.

(cc) The Approval Authority may issue a permit for a winery operating under LC 16.212(12)(b) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(12)(b) in similar circumstances before August 2, 2011.

(c) Additional Requirements:

(i) Prior to the establishment of a winery under LC 16.212(12)(a) or (b) above, the applicant must show that vineyards described in LC 16.212(12)(a)(i) or (12)(b)(i) above have been planted or that the contract has been executed, as applicable.

(ii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above must demonstrate compliance with the following standards:

(aa) The winery provides parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places must be setback at least 100 feet from all property lines;

(cc) The winery must provide for direct road access and internal circulation.

(iii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above shall comply with:

(aa) The applicable requirements of LC Chapter 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;

(bb) Regulations of general applicability for the public health and safety; and

(cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(iv) Wineries that conduct agri-tourism or other commercial events under LC 16.212(4)(o-o) may not conduct agri-tourism or other commercial events or activities authorized by LC 16.212(12).

(v) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that existed on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(12)(a)(ii)(gg) or LC 16.212(12)(b)(ii)(gg) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(vi) A use or structure in an area zoned for exclusive farm use that exists on June 28, 2011 may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use or structure is located on the same tract as a winery established under LC 16.212(3)(g) that produced more than 250,000 gallons of wine in calendar year 2010. This does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(vii) A winery established under LC 16.212(12) that produced more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a permit under LC 16.212(4)(c). However, the winery must comply with all provisions of LC 16.212(12)(a)(i) and (b)(i) except the annual production requirements.

(viii) When a Bed and Breakfast Accommodation Home Occupation facility is located on the same tract as a winery approved under LC 16.212(12) the facility may prepare and serve 2 meals per day to the registered guests. These meals may be served at the bed and breakfast facility or at the winery.

(ix) The Approval Authority may authorize the siting of a winery, on land used Exclusive Farm Use, pursuant to the standards that apply to a commercial activity in conjunction with farm use under LC 16.212(4)(c) if the winery does not qualify for siting under LC 16.212(12) above or seeks to carry out uses or activities that are not authorized LC 16.212(12)(a) or (b) above.

(aa) If the Approval Authority authorizes the establishment of a winery under LC 16.212(4)(c), the gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery.

(x) As used in this section:

(aa) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle

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events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

(bb) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

*(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10, 7-10, 11.25.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12.16.14; 15-08, 12.15.15; 16-01, 2.15.16)*

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ARE RESERVED FOR FUTURE EXPANSION



**NATURAL RESOURCE ZONE (NR-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.213 Natural Resource Zone (NR-RCP).**

(1) Purpose. The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

- (a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;
- (b) Watersheds and their streams or lakes are used for domestic water supplies;
- (c) Vegetative cover is essential to maintain soil stability and prevent erosion;
- (d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and
- (e) Scenic quality or vistas or open space is unique and/or irreplaceable.

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

- (a) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.
  - (i) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.
  - (ii) Picnicking areas, day parks and playgrounds.
  - (iii) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State and Local fish and game regulations) and hiking and horseback riding.
- (b) Fish and wildlife habitat management and the propagation of fish and wildlife.
- (c) The following transportation facilities and uses, provided no filling or dredging is required:
  - (i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
  - (ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.



(3) Special Uses - Director Approval. The following uses are subject to ~~approval by the Director pursuant to LC 14.100~~prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14:

(a) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker or operator in conjunction with use permitted in the district.

(4) Special Uses - Hearings Official Approval. The following uses are subject to ~~prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14~~approval by the Hearings Official pursuant to LC 14.300:

(a) Piers and boat houses.

(b) Single family dwelling or mobile home and accessory structures.

(c) Farm uses as defined by ORS 215.203(2), and any accessory uses.

(d) Forest uses and any accessory uses.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.213(4) above are subject to compliance with the following criteria:

(a) (i) Evidence is provided supporting reasons why the proposed use should be sited in a natural resource area.

(ii) That the proposed site is on land generally unsuitable for natural resource uses.

(b) That the proposed use will not significantly impact natural resource uses on adjacent and nearby natural resource lands, and will not significantly impact natural resources on the site of the proposed uses;

(c) That the proposed use will not significantly increase the costs of natural resource management on adjacent and nearby natural resource lands.

(d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;

(e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby NR zoned lands, and these measures may be established as conditions of approval; and

(f) That the proposed use is consistent with the policies contained in the Rural Comprehensive Plan and the purpose of the NR zone.

(6) Property Development Standards. All uses or activities permitted or conditionally permitted above, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from a wetland or from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous

vegetation within wetlands or within the riparian setback area designated for riparian vegetation protection by the rural comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable. *(Revised by Ordinance No. 7-87; Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10)*

**MARGINAL LANDS ZONE (ML-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.214 Marginal Lands Zone (ML-RCP).**

- (1) Purpose. The Marginal Lands Zone (ML-RCP) is intended to:
  - (a) Provide an alternative to more restrictive farm and forest zoning.
  - (b) Provide opportunities for persons to live in a rural environment and to conduct intensive or part-time farm or forest operations.
  - (c) Be applied to specific properties consistently with the requirements of ORS 197.005 to 197.430 and the policies of the Lane County Rural Comprehensive Plan.
- (2) Permitted Uses. The following uses are permitted subject to the general provisions and exceptions specified by this Chapter of Lane Code:
  - (a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.
  - (b) A dwelling or mobile home on a vacant legal lot created pursuant to the requirements of LC 16.214(6) below.
  - (c) One mobile home in conjunction with an existing dwelling or mobile home on the same legal lot as the existing dwelling or mobile home as a temporary use for the term of a hardship suffered by the existing resident or a relative of the existing resident subject to compliance with the following conditions:
    - (i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.
    - (ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.
    - (iii) Satisfactory evidence of the family member's hardship is furnished which shall include:
      - (aa) A written statement, on a form provided by the Department, from the family member's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.
      - (bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.
    - (iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home.
    - (v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.
    - (vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Part-time farms.  
(e) Woodlots.  
(f) Intensive farm or forest operations, including, but not limited to, farm use.

(g) Nonresidential buildings customarily provided in conjunction with farm use.

(h) Public or private schools, including all buildings essential to the operation of a school.

(i) Churches.  
(j) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for use by public sale.

(k) Operations for the exploration of geothermal resources as defined by ORS 522.005.

(l) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment and facilities or buildings necessary for its operation.

(m) The propagation or harvesting of a forest product.

(n) Community centers owned and operated by a governmental agency or a nonprofit organization, hunting and fishing preserves, parks, playgrounds and publicly owned campgrounds.

(o) Personal-use airport for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director Approval. The following uses are permitted subject to **prior** submittal **and approval** of an application pursuant to ~~LC 14.050, and approval of the application pursuant to LC 14.100~~**Type II procedures of LC Chapter 14** and compliance with the criteria and provisions of this Chapter of Lane Code.

(a) Privately owned campgrounds.  
(b) Golf courses.  
(c) Commercial utility facilities for the purpose of generating power for public use by sale.

(d) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.214(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.214(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(f) The boarding of horses for profit.

(g) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.

(h) Commercial activities that are in conjunction with farm use including the commercial processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use or pursuant to LC 16.214(3)(j) below.

(i) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(j) A facility for the primary processing of farm crops, or the production of biofuel as defined in LC 16.090 that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(iii) A processing facility shall comply with applicable requirements in LC 16.212(10)(a) through (e) below. These requirements shall not be applied in a manner that prohibits the siting of the processing facility;

(iv) A land division of a lot or parcel shall not be approved that separates the processing facility from the farm operation on which it is located.

(k) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) and LC 16.214(4) below.

(4) Criteria for Director Approval. Uses specified in LC 16.214(3) and (4) may be allowed if found to comply with the following criteria:

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

(b) 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.)

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

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

(5) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to ~~LC 14.050; approval of the application by the Hearings Official pursuant to LC 14.300 Type III procedures of LC Chapter 14~~ and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:

(a) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or ~~-~~exploration, mining and processing of aggregate or other mineral resources or other subsurface resources.

(6) Area. Land in a Marginal Land zone may be divided as follows:

(a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F- 1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197.

(b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197.

(c) A parcel of any size necessary to accommodate any of the nonresidential uses identified in LC 16.214(2)(h),(i),(j),(1) and (n) and LC 16.214(3)(a), (c),(f) and (g).

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with other provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Height. None.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.214(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-91, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10)*

## **PARK AND RECREATION ZONE (PR-RCP) RURAL COMPREHENSIVE PLAN**

### **16.215 Park and Recreation Zone (PR-RCP).**

(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:



(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(d) To implement the policies of the Lane County Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(d) Farm use.

(e) Towers and fire stations for forest fire protection.

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(h) The following transportation facilities and uses:

(i) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

(iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal **and approval** of an application pursuant to ~~LC 14.050 and approval by the Director pursuant to LC 14.100~~ **Type II procedures of LC Chapter 14**. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Private hunting and fishing operations without any lodging accommodations.

(b) Caretaker residences for public parks and public fish hatcheries.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Aids to navigation and aviation.

(f) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(g) The following transportation facilities and uses:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).



(x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.

(xi) Subject to LC 16.215(10)(h), continuous median turn lanes.

(xii) Subject to LC 16.215(10)(h), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.

(i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(l) Temporary portable facility for the primary processing of forest products.

(m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(n) Uninhabitable structures accessory to fish and wildlife enhancement.

(o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed ~~provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14~~ and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.

(b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

- (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
- (ii) Only minor incidental and accessory retail sales are permitted.
- (iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

(a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

(f) Gymnasium or athletic club.

(g) Yachting clubs.

(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.

(j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to prior submittal and approval of an application pursuant to ~~LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300, Type III procedures of LC Chapter 14,~~ and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

- (a) Race track.
- (b) Amusement park, carnival, circus.
- (c) Stadium.
- (d) Fairgrounds and amusement park.
- (e) Recreational shooting.
- (f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character 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 capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback

standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal

within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

| <b>Size of the Primary Safety Zone by Percent Slope</b> |                             |   |
|---|-----------------------------|---|
| % Slope   | Feet of Primary Safety Zone | Feet of Additional Safety Zone Down Slope |
| 0   | 30                          | 0   |
| 10  | 30                          | 50  |
| 20  | 30                          | 75  |
| 25  | 30                          | 100                                       |
| 40  | 30                          | 150                                       |

Building shall be restricted to slopes of less than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of

Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire-fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire-fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire-fighting equipment and containing rock to a depth of at least six inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire-fighting equipment of the agency providing fire protection to access the use, fire-fighting equipment and water supply.



(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire-fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below:

(aa) Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

(bb) Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Youth Camps. The purpose of LC 16.215(12) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.215(12)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The



buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.251(10)(c) and (e) above;  
(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;  
(bb) On site pre-suppression and suppression measures; and  
(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire-fighting hand tools; and  
(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 16-01, 2.25.16)*

## **QUARRY AND MINE OPERATIONS ZONE (QM-RCP) RURAL COMPREHENSIVE PLAN**

### **16.216 Quarry and Mine Operations Zone (QM-RCP).**

(1) Purpose. The purpose of the Quarry and Mine Operations Zone (QM-RCP) is to:

(a) Recognize that minerals and materials within the County are an unrenewable resource, and that extraction and processing are beneficial to the economy of the County and the welfare of its people.

(b) Protect major deposits of minerals, rock and related material resources with appropriate zoning.

and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 16-92, 12.16.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12)*

**LIMITED COMMERCIAL ZONE (C-1, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.220 Limited Commercial Zone (C-1, RCP).**

(1) Permitted Buildings and Uses. In the C-1, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any use permitted in the RG-RCP Zone (LC 16.230) in accordance with the requirements of this zone.

(b) Auto courts constructed and arranged in accordance with plans approved by the Planning Commission.

(c) Business and professional offices.

(d) Clinics.

(e) Flower and plant nurseries; provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

(f) Public parking areas developed in accordance with provisions established in the general off street parking section (LC 16.250).

(g) Service stations, provided greasing and tire repairing are performed completely within an enclosed building.

(h) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(i) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to ~~LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300-Type III procedures of LC Chapter 14~~ and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.220(2) above shall 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, and

(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.

(4) Height. (Also see LC 16.250.) No building or structure, nor the enlargement of any building or structure, shall be hereafter erected or maintained to exceed two and one-half stories or 35 feet in height, except apartment houses, which may be constructed to a height of three stories, or 45 feet in height.

(5) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-1, RCP Zone.

(6) Lot Coverage. The main building or buildings and accessory buildings shall not occupy in excess of 60 percent of the ground area.

(7) Vision Clearance.

(a) Vision clearance for corner lots shall be 15 feet.

(b) Vision clearance on alley-street intersections shall be seven and one-half feet.

(8) Off Street Parking.

(a) Parking space requirements for "R" zone uses are given under the applicable section.

(b) Auto courts shall provide at least one garage space of not less than 126 square feet net area for each living unit.

(c) Business and professional offices and nurseries shall provide at least one parking space for each 2,000 square feet of lot space or fraction thereof, except that, if two or more business or professional offices are located on a single site, a minimum of two parking spaces shall be provided for each office.

(d) Clinics shall provide at least two parking spaces for each consultation and operating room.

(9) Signs. Exterior signs shall be limited to two per business establishment, and shall be designed as a part of the building.

(10) Area. (Also see LC 16.250.)

(a) Size of Lot.

(i) Lots shall have a minimum average width of 60 feet and a minimum area of 6,000 square feet, except that where a lot has an average width of less than 60 feet as of January 8, 1969, such lot may be occupied by any use permitted in this section.

(ii) Space required for auto courts shall be not less than 1,200 square feet of lot space per dwelling or sleeping unit.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.220(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**NEIGHBORHOOD COMMERCIAL ZONE (C-2, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.221 Neighborhood Commercial Zone (C-2, RCP).**

(1) Permitted Buildings and Uses. In the C-2, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any residential or "R" use which is not lower than the most restricted "R" use abutting the C-2, RCP Zone in accordance with the requirement of the respective "R" zone.

(b) Bakery.

(c) Bank.

(d) Barber shop or beauty parlor.  
(e) Book or stationery store.  
(f) Catering service.  
(g) Clothes cleaning and/or pressing establishment; provided equipment shall be limited to two clothes cleaning units with a rated capacity of not more than 40 pounds each, and shall be of the closed-type unit, using perchlorethylene cleaning solvent.

(h) Clubs or lodges, fraternal and religious associations.  
(i) Confectionery store.  
(j) Curios and antique.  
(k) Delicatessen store.  
(l) Department store.  
(m) Drug store.  
(n) Dry goods or notions store.  
(o) Florist or gift shop.  
(p) Furniture, household goods and furnishing.  
(q) Laundry agency.  
(r) Laundry (self-service).  
(s) Meat market.  
(t) Millinery or custom dressmaking shops.  
(u) Musical instruments and supplies.  
(v) Office supplies and equipment.  
(w) Paint and wallpaper supplies.  
(x) Photographer.  
(y) Plumbing supplies.  
(z) Printing.  
(a-a) Public parking areas developed in accordance with provisions established in LC 16.250.  
(b-b) Restaurants, tea rooms, cafes.  
(c-c) Seeds and garden supplies.  
(d-d) Service stations, provided greasing and tire repairing are performed completely within an enclosed building.  
(e-e) Shoe or shoe repair shop.  
(f-f) Sporting goods.  
(g-g) Surgical supplies and equipment.  
(h-h) Tailor, clothing and wearing apparel shops.  
(i-i) Telephone and telegraph exchanges.  
(j-j) Theaters (conventional).  
(k-k) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.  
(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:  
(aa) Bulk, size, and operating characteristics of the proposed use.  
(bb) Parking demand, customer types and traffic generation.  
(cc) Intensity of land use of the site.



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(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(ll) Municipal Service terminals, such as street cleaning operations; establishment or expansion of all such uses shall be subject to Site Review Approval pursuant to LC 16.257.

The above-specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively, and shall be permitted only under the following conditions: Such stores, shops or businesses shall be conducted wholly within an enclosed building, and all products produced shall be sold at retail, on the premises.

(mm) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14~~LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300~~ and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses specified under LC 16.221(2) above shall 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, and

(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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.).

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

(7) Off Street Parking.

(a) Parking space and loading space shall be provided as specified in the General Parking Requirements (LC 16.250).

(b) Parking space for dwellings shall be in accordance with the requirements for the type of dwelling structure as provided in the RG-RCP Zone (LC 16.230).

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.221(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

### COMMERCIAL ZONE (C-3, RCP) RURAL COMPREHENSIVE PLAN

#### 16.222 Commercial Zone (C-3, RCP).

(1) Permitted Buildings and Uses. In the C-3, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any use permitted in the RG-RCP and C-2, RCP zones (LC 16.230 and 16.221) in accordance with the requirements of this zone.



- (b) Agricultural supplies and machinery sales room.
- (c) Automobile sales agencies or garages.
- (d) Builders supplies, including retail sales of lumber; provided that all salvaged or building supplies and materials shall not be exposed to view from outside the property.
- (e) Drycleaning establishments using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is nonodorous, as well as nonexplosive and nonflammable at temperatures below 138.5 degrees F.
- (f) Feed and fuel stores.
- (g) Fumigation chambers, when approved by the Oregon State Board of Health.
- (h) Outdoor advertising.
- (i) Places of amusement, such as billiard parlors, taverns, bowling alleys, drive-in theaters, dance halls and games of skill and science, if conducted wholly within a completely enclosed building.
- (j) Plumbing and sheet metal.
- (k) Professional playfields, including baseball, football, etc.
- (l) Second-hand stores, if conducted wholly within an enclosed building.
- (m) Stadiums.
- (n) A facility which exists for the purpose of providing for the temporary care and/or lodging of adult indigent persons shall be allowed; provided that before a building permit is issued for the establishment of a new facility or the expansion of an existing facility the Planning Commission determines at a public hearing that the site in question would not be unduly detrimental to the welfare, health and safety of the public, and the immediate residents of the vicinity.
- (o) Stores (retail and wholesale) and business uses similar to the above and normally located in a commercial zone; provided that:
  - (i) Where there is manufacturing, compounding, processing or treatment of produce for wholesale, a minimum of 25 percent of the total floor area shall be used for retail stores.
  - (ii) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
- (p) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
  - (i) Purpose and intent of this District.
  - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
    - (aa) Bulk, size, and operating characteristics of the proposed use.
    - (bb) Parking demand, customer types and traffic generation.
    - (cc) Intensity of land use of the site.
    - (dd) Potential demand for public facilities and services.
    - (ee) Products or services produced or vended on or from the site.
  - (iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other

commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to ~~prior~~ submittal ~~and approval~~ of an application pursuant to ~~Type III procedures of LC Chapter 14~~ **LC 14.050**, ~~review of the application by the Hearings Official pursuant to LC 14.300~~ and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.222(2) above shall 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, and

(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 and 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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15).

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-3, RCP Zone.

(5) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

(6) Off Street Parking.

(a) Parking space and loading space shall be provided as specified in the General Parking Requirements section (LC 16.250).

(b) Parking space for dwellings shall be in accordance with the requirements for the type of dwelling structure as provided in the RG-RCP Zone.

(7) Telecommunication Towers. Notwithstanding the requirements in LC 16.222(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**RURAL COMMERCIAL ZONE (C-R, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.223 Rural Commercial Zone (C-R, RCP).**

(1) Purpose. The purpose of the Rural Commercial Zone (C-R, RCP) is:

(a) To provide goods and services needed by rural residents.

(b) To provide services and facilities for tourists and travelers.

(c) To implement the policies of the Lane County Rural Area Comprehensive Plan, primarily those policies related to commercial development of areas identified as committed or built upon.

(d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Retail trade of food.

(b) Retail trade of new general merchandise.

(c) Retail trade of building materials, hardware or farm equipment conducted within an enclosed building.

(d) Restaurants.

(e) Service stations.

(f) Personal services.

(g) Finance, insurance, banking and real estate services.

(h) Professional services.

(i) Retail trade of secondhand general merchandise within an enclosed building.

(j) Bus passenger terminal.

(k) Civic, social and fraternal meeting places.

(l) Boat charter and rental, including fishing equipment.

- (m) Hotel, motel or lodge, and related recreational facilities.
- (n) Bed and breakfast accommodation.
- (o) Veterinarian clinic.
- (p) Bars, night clubs and taverns.
- (q) Retail trade of hay, grains or goods for animal consumption.
- (r) Day camp and picnic areas.
- (s) Outdoor tourist attractions featuring displays of educational or historical value.
- (t) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.
- (u) A dwelling or mobile home in conjunction with an above permitted use.
- (v) Uses accessory to an above permitted use.
- (w) A noncommercial kennel.
- (x) Indoor or outdoor theaters.
- (y) Post Office facilities.
- (z) Family day care facility in a permitted residence.
- (a-a) Residential home in a permitted residence.
- (b-b) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
  - (i) Purpose and intent of this District.
  - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
    - (aa) Bulk, size, and operating characteristics of the proposed use.
    - (bb) Parking demand, customer types and traffic generation.
    - (cc) Intensity of land use of the site.
    - (dd) Potential demand for public facilities and services.
    - (ee) Products or services produced or vended on or from the site.
  - (iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.
  - (iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
- (c-c) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (3) Special Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14~~LC 14.050 and subject to Director approval of such application pursuant to LC 14.100~~ and the general provisions and considerations specified by this chapter of Lane Code:
  - (a) Uses and activities:
    - (i) Retail trade of building materials, hardware or farm equipment conducted partially or wholly outdoors.
    - (ii) Equipment rental and leasing service.

- (iii) Overnight campground and picnic areas.
- (iv) Recreational vehicle park.
- (v) Vehicle repair service.
- (vi) Recreational vehicle and boat storage.
- (vii) Marina.
- (viii) A commercial kennel or a commercial breeding kennel.
- (ix) Transportation facilities and uses as specified in LC

16.265(3)(n) through (q).

(b) Criteria. The above uses should substantially conform to the following criteria:

(i) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposed intent and are compatible with the surrounding vicinity.

(ii) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(iii) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(iv) The suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(v) That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(vi) That, based on anticipated traffic generation, adequate additional right-of-way and road improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of Lane Code, Chapter 15, "Roads", and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/ acceleration lanes.

(vii) That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(viii) That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(ix) That all signs and illumination are in scale and harmonious with the site and area.

(x) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements etc. that are required.

(4) Area. No minimum established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(5) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area.

Maintenance, removal and replacement of indigenous vegetation within the riparian setback area streams designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Heights. Maximum height of any structure shall be 45 feet.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be flashing or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(iv) No sign shall project above the height of the tallest structure on the property.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(6) Telecommunication Towers. Notwithstanding the requirements in LC 16.223(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## **LIMITED INDUSTRIAL ZONE (M-1, RCP) RURAL COMPREHENSIVE PLAN**



**16.224 Limited Industrial Zone (M-1, RCP).**

(1) Permitted Buildings and Uses. In the M-1, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Administrative and sale offices incidental to and directly related to the operation of industrial or commercial uses permitted in this zone.

(c) Single-family dwelling or mobile home for residential purposes for watchman, caretaker or operator to be located on the premise of the associated use.

(d) Kennel; provided the following conditions are satisfied:

(i) The maximum number of dogs over four months of age shall be eight.

(ii) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(iii) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.

(e) Laboratories, research and testing.

(f) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of electronic devices, electro-mechanical components, optics, testing equipment.

(g) Manufacturing, assembling, processing, packaging, storage or wholesale distribution of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks and food products, except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

(h) Outdoor advertising.

(i) Storage buildings for household or consumer goods.

(j) Public and semipublic utilities, buildings and uses rendering direct utility service to the public in the local area, such as fire stations, utility stations or wells.

(k) Lawful uses existing on a property prior to July 9, 1982, and expansion or replacement of such uses which will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing prior to the effective date of the adoption of the ordinance.

(l) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(m) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14~~LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300~~ and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Aircraft landing field or heliport in conjunction with a use permitted in this zone.

(b) Banks.

(c) Barbershop, beauty shop.

(d) Building maintenance service.

(e) Carnival, circus.

(f) Convenience grocery store (maximum of 2,000 square feet).

(g) Correctional institution, jail, penal farm.

(h) Credit union office.

(i) Garbage dump, garbage transfer facility.

(j) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.

(k) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.

(l) Other uses similar to permitted uses in this zone; provided that:

(i) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.

(ii) Items manufactured, assembled, processed or produced in area shall be for wholesale.

(m) Public and private parking areas and garages.

(n) Radio and television stations, radio and television towers; facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.

(o) Restaurants, taverns.

(p) Rock, sand, gravel and loam excavations, with incidental processing.

(q) Service stations.

(r) Sewage treatment facilities.

(s) Expansion of a lawful preexisting use in excess of that allowed as a permitted use.

(t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.224(3) above shall 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, and

(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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-1, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum load space and setbacks have been provided.

(6) Vision Clearance.

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

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.224(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## **LIGHT INDUSTRIAL ZONE (M-2, RCP) RURAL COMPREHENSIVE PLAN**

### **16.225 Limited Industrial Zone (M-2, RCP).**

(1) Permitted Buildings and Uses. In the M-2, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-1, RCP Zone (LC 16.224(1)).

(c) Bottling works, including alcoholic beverages.

(d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.

(e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.

(f) Feed and seed store.

(g) Freight and trucking yards or terminal.

(h) Mobile home sales and repairs.

(i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.

(j) Lumberyards and building material sales.

(k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.

(l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.

(m) Moving equipment rental, parcel delivery plant.

(n) Poultry or rabbit killing, incidental to a retail trade on the same premises.

(o) Tire recapping.

(p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(q) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(r) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3).)

(b) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(c) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.225(2) above shall 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, and

(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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space, loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street

width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from curb or walk level to a minimum height of eight feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.225(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12)*

### **HEAVY INDUSTRIAL ZONE (M-3, RCP) RURAL COMPREHENSIVE PLAN**

#### **16.226 Heavy Industrial Zone (M-3, RCP).**

(1) Permitted Buildings and Uses. In the M-3, 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. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-2, RCP Zone (LC 16.225(1)).

(c) Industrial and associated commercial buildings and uses. All manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing, researching or any combination thereof of items, material or goods, is permitted.

(d) Other uses similar to the above, and those uses which are unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(e) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(f) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

- (bb) Parking demand, customer types and traffic generation.
- (cc) Intensity of land use of the site.
- (dd) Potential demand for public facilities and services.
- (ee) Products or services produced or vended on or from the

site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(g) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14~~LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300~~ and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3)).

(b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.226(3) above shall comply with the following criteria:

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

(b) The location, size, design and operation 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, and

(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.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-3, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 66 feet shall be a minimum of one foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance of more than 10 feet shall be required. Said vision clearance shall be from the curb or walk level to a minimum of eight feet.

(7) Off Street Parking. (Also see LC 16.250.)

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.226(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12)*

## **INMATE WORK CAMP ZONE (IWC/RCP) RURAL COMPREHENSIVE PLAN**

### **16.227 Inmate Work Camp Zone (IWP/RCP).**

(1) Purpose. The Inmate Work Camp zone is a special-purpose zoning district designed to accommodate the unique requirements of rehabilitative correctional facilities in rural areas. The zone is intended to be applied consistently with the requirements of the Lane County Rural Comprehensive Plan, Policies Element, Goal 11: Public Facilities and Services Policy #7. Such facilities provide for activities which are as typical of those taking place in, and dependent upon, resource areas; and which, because of their nature, require physical isolation from other developed land uses and the maintenance of continuing security measures for their operation. The zone is also intended to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. Uses permitted in this zone are limited to correctional work camp facilities, and related accessory uses, operated by authorized public agencies or their designates. Such uses normally include, but are not necessarily limited to, supervised living quarters, dining halls, craft areas, counseling areas, indoor and outdoor recreational areas, staff residences and administrative quarters, cleaning and sanitation facilities, onsite water supply and sewage-disposal systems, vehicular parking and circulation areas, outdoor lighting, security alarm systems, perimeter and internal security fencing, and limitations upon the movements of residents and visitors.

(3) Property Development Standards. All uses permitted above shall be subject to the following development standards:

(a) Siting and Fire Safety Standards. All structures designed for human occupancy shall:



**SUBURBAN RESIDENTIAL ZONE (RA-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.229 Suburban Residential Zone (RA-RCP).**

- (1) Purpose. The purpose of the Suburban Residential Zone (RA-RCP) is:
- (a) To provide opportunities for people to live in a rural area.
  - (b) To allow primary and accessory residential uses and nonresidential uses which may be compatible with primary residential uses.
  - (c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed or built upon and located within a community area.
  - (d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.
- (2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code.
- (a) One single-family dwelling, mobile home or duplex on a legal lot.
  - (b) One single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner; provided that the minimum average density per residential unit complies with the following standards:
    - (i) Where a community sewerage system and community water system is available, the ratio of residences to area shall not exceed one residence per 10,000 square feet.
    - (ii) Where an on-site sewage disposal system and community water system is available, the ratio of residences to area shall not exceed one residence per 20,000 square feet.
    - (iii) Where an individual water system and on-site sewage disposal system is available, the ratio of residences to area shall not exceed one residence per acre.
    - (iv) In all cases, an approved means of sewerage must be obtained.
  - (c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:
    - (i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.
    - (ii) To qualify as a relative of the existing resident, a person shall be the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the existing resident.
    - (iii) Satisfactory evidence of the hardship is furnished which shall include:
      - (aa) A written statement, on a form provided by the Department, from the person's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.
      - (bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.
    - (iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

(vii) Approval of temporary manufactured dwelling permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Residential Home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or,

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(h) Forest uses, including the propagation and harvesting of forest products, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.



(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Noncommercial kennel.

(p) Family day care facility in a permitted residence.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal **and approval** of an application pursuant to ~~LC 14.050 and subject to Director approval of such application pursuant to LC 14.100~~Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home, and accessory uses, for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit as specified in LC 16.229(2)(b) above is maintained.

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

(b) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.229(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.229(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval

by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(c) More intensive farm use than those specified in LC 16.229(2)(g) above.

(d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal **and approval** of an application pursuant to ~~LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300-Type III procedures of LC Chapter 14~~ and the general provisions and criteria specified by this chapter of Lane Code:

- (a) Animal hospitals.
- (b) Commercial breeding kennel.
- (c) Commercial kennel.
- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries, human or animal.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste disposal facilities.
- (p) Stables, riding academies and commercial riding.
- (q) Storage facilities for boats and recreational vehicles.
- (r) Sewage treatment facilities.
- (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.

- (u) Mobile home parks.
- (v) Amusement park, carnival or circus.
- (w) Correctional institution.
- (x) Garbage dump, sanitary landfill or solid waste management.
- (y) Jail or penal farm.
- (z) Race track.
- (a-a) Sewage treatment plant.
- (b-b) Boarding of horses for profit.
- (c-c) Primary processing facility.

(5) Hearings Official Approval Criteria. Uses identified in LC 16.229(4) above must comply with the following criteria:

(a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.

(c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.

(d) Where necessary, adequate provisions for access, sewerage and potable water would be provided for the intended use.

(6) Area. The creation of a parcel or lot for RA zoned property shall be subject to the following minimum area requirements:

(a) Where a community sewerage system and community water system is available, the minimum area requirement shall be 10,000 square feet.

(b) Where an on-site sewage disposal system and community water system is available, the minimum area requirement shall be 20,000 square feet.

(c) Where an individual water system and on-site sewage disposal system is available, the minimum area requirement shall be one acre.

(d) In all cases, an approved means of sewerage must be obtained.

(e) There is no minimum lot size for a parcel to accommodate uses allowed by LC 16.229(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28--Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 15.253(2) or LC 16.253(6), as applicable.

(f) Height. 45 feet shall be the maximum allowable structural height.

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

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- (ii) Signs shall not be illuminated or capable of movement
- (iii) Signs shall be limited to 200 square feet in area.
- (h) Parking. Off street parking shall be provided in accordance with LC

16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.229(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## **GARDEN APARTMENT RESIDENTIAL ZONE (RG-RCP) RURAL COMPREHENSIVE PLAN**

### **16.230 Garden Apartment Residential Zone (RG-RCP).**

(1) Permitted Buildings and Uses. In the RG-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) Single-family dwelling.
- (b) Two family dwelling (duplex).
- (c) Multiple dwelling.
- (d) Court apartment, boarding house.
- (e) Townhouse.
- (f) Church.
- (g) Schools, public and private (elementary, junior high, senior high).
- (h) Public building or structure essential to the physical and economic welfare of the area in which located, such as a fire station, library, substation, pump station, reservoir, provided that each interior side and rear yard shall be a minimum of 25 feet in width. No stockpiling or storage of equipment or materials shall be allowed.
  - (i) Accessory buildings and structures.
  - (j) Private parking area.
  - (k) Private parking garage.
  - (l) Residential home.
  - (m) Bed & Breakfast accommodation.
  - (n) Family day care facility in a permitted residence.
  - (o) Residential Care Facility, provided, pursuant to ORS 197.667(4), the applicant supplies to the County at the time of application for land use approval a copy of the application and non-confidential supportive documentation for state licensing of the facility.
- (p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14~~LC 14.050 and subject to director approval of such application pursuant to LC 14.100~~ and the general provisions and criteria specified by this chapter of the Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Home Occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or other buildings normally associated with uses permitted under LC 16.230(1) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.230(1) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14~~LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300~~ and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

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- (d) Radio and television stations.
  - (e) Sewage treatment plant.
  - (f) Recreation vehicle park.
  - (g) Campground or picnic area.
  - (h) Home occupations meeting the requirements of LC 16.231(3)(b) (RR-RCP Zone).
  - (i) Clinic.
  - (j) Day nursery school.
  - (k) Group care home including residential care facilities as defined by ORS 197.660(1).
  - (l) Hospital.
  - (m) Nursing home.
  - (n) Private and public park, playground or community center.
  - (o) Telephone or telegraph exchange, excluding outdoor storage of vehicles or materials.
- (4) Special Use Approval Criteria. Uses allowed under LC 16.230(3) above shall comply with 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, and
    - (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) Height. (Also see LC 16.250.) No building may extend above the sun exposure plane.
- (6) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)
- (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:
    - (i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
    - (ii) 10 feet from all other property lines except as provided below.
  - (b) No yard or open space provided for the purpose of complying with the regulations of this section shall be used for public or private parking areas or garages, or other accessory buildings.
  - (c) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the RG-RCP zone.
- (7) Density. Where community sewerage facilities are not available, the minimum area required shall be 3,000 square feet per dwelling unit.



(8) Lot Coverage. All structures, excluding garages, carports and parking spaces, shall not occupy more than 30 percent of the gross area of the lot.

(9) Vision Clearance.

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

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(10) Off Street Parking. The number of permanently maintained off street parking spaces required on the site shall be no less than as set forth in the following, and shall be constructed simultaneously with the construction of the applicable permitted zone use. A parking space shall be not less than eight feet wide and 18 feet long, and shall have provisions for ingress and egress. Groups of three or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. No off street parking requirements shall be satisfied within required yard areas.

(a) Residential Types and Parking Space Required.

(i) Dwelling, single-family or two-family - One for each dwelling unit.

(ii) Dwelling, multiple - 1.5 for each dwelling unit; where fractioned, next highest full unit.

(b) Institutional Types and Parking Space Required.

(i) Churches, clubs, lodges - One for every four fixed seats or every eight feet of bench length of every 28 square feet of main auditorium, sanctuary or place of worship, where no permanent seats or benches are maintained.

(ii) Hospitals - One and one-half spaces for each bed; where fractioned, next highest full unit.

(iii) Schools.

(aa) Elementary and junior high schools - One and one half spaces for each teaching station, plus one for every six fixed seats in the auditorium or one for every 42 square feet of seating area, where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(bb) High Schools - One and one half spaces for each teaching station, plus one for every four fixed seats in the auditorium or one for every 28 square feet of seating area where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(iv) Libraries, museums, art galleries . One for each 250 square feet of gross floor area.

(c) Commercial Types and Parking Space Required.

(i) Clinic - One space for every 400 square feet of gross floor area.

(ii) Day Nursery School - One and one-half spaces for each teaching or class station; where fractioned, next highest full unit.

(iii) Nursing homes, group care homes - One space for each two beds.

(11) Signs. Only the following signs shall be permitted in the RG-RCP Zone:

(a) One unlighted nameplate for each dwelling unit, attached flat against the main building, not exceeding 4" x 16" and containing only the names and occupation of the resident of the premises.

(b) One unlighted temporary sign not exceeding six square feet in area, pertaining only to the sale, lease or hire of the particular buildings, property or premises upon which it is displayed.

(c) One unlighted sign for each housing development, not to exceed 20 square feet in area, or five feet in any dimension, and containing no advertising matter, except the name and street address of the development.

(d) Subdivision and directional signs. (See LC 16.259 for permit provision).

(12) Fences and Walls. There shall be erected a masonry wall or wooden fence along the perimeter of all off street parking areas, except along any portion of such parking area immediately adjacent to a building. Such wall or fence shall contain not less than 60 percent solid face surface and not less than 4' 8" in height; setback shall be in accordance with the requirements for this zone; provided no wall or fence required by this section shall project nearer than five feet to any access drive.

(13) Dedication and Improvement of Easements. No building permit shall be issued, and no use of the property not requiring a building permit shall be made, until the applicant for a permit or user of the property has submitted to and has had approved by the Planning Commission the required dedications of streets and other easements within and around the site, and made the required improvements or provided an agreement and bond in lieu of improvements.

(14) Lot Dimensions. (Also see LC 16.250.)

(a) Minimum area - 20,000 square feet.

(b) Minimum width - 100 feet.

(c) Minimum depth - 80 feet.

(d) The minimum area and width requirements shall not apply to either single-family or two-family dwellings established in an RG-RCP zone. Minimum average area and width requirements for single and two-family dwellings are as set forth in LC 16.250.

(15) Telecommunication Towers. Notwithstanding the requirements in LC 16.230(1)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

## **RURAL RESIDENTIAL LANDS ZONE (RR-RCP)**

### **RURAL COMPREHENSIVE PLAN**

#### **16.231 Rural Residential Lands Zone (RR-RCP).**

(1) Purpose. The purpose of the Rural Residential Zone (RR-RCP) is:

(a) To provide opportunities for people to live in a rural area.

(b) To allow primary and accessory residential uses, and nonresidential uses which may be compatible with primary residential uses.



(c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed, built upon, or as nonresource land.

(d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) One single-family dwelling, mobile home, or duplex on a legal lot.

(b) A single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner, provided that the minimum average density per residential unit (i.e., residences in relationship to acreages: one, two, five or 10 acres, whichever is specified by the zoning map) is maintained, and proper sanitation approvals are obtained.

(c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:

(i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.

(ii) To qualify as a relative of the existing resident, a person shall be the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the existing resident.

(iii) Satisfactory evidence of the hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the person's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

(iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

(vii) Approval of temporary manufactured dwelling permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Residential home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

- or
- (bb) One goat or sheep per half acre.
- (ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.
- (iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.
- (h) Forest uses, including the propagation and harvesting of forest products grown on the property, but not including a primary processing facility.
- (i) Roadside stand.
- (j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.
- (k) Noncommercial dog kennels, subject to conditions and limitations provided herein:
- (i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
- (ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.
- (iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.
- (iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.
- (l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:
- (i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.
- (ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.
- (m) Guest house.
- (n) A mobile home park lawfully existing on a property prior to February 29, 1984.
- (o) Family day care facility in a permitted residence.
- (p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (3) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this chapter of Lane Code:
- (a) One dwelling or mobile home for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:
- (i) The minimum acreage density per residence unit is maintained (i.e., not more than one residence per whatever the area requirement is as specified by the zoning map).
- (ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be

located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

(b) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.231(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.231(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval shall not receive extended approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the applicant and the owner of the property upon which the home occupation is located.

(c) More intensive farm use than those specified in LC 16.231(2)(g) above.

(d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14~~LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300~~ and the general provisions and criteria specified by this chapter of Lane Code:

(a) Animal hospitals.

(b) Commercial breeding kennel.

(c) Commercial kennel.

(d) Campgrounds, camping vehicle parks, tourist parks.

(e) Cemeteries.

- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste management.
- (p) Stables, riding academies and commercial riding.
- (q) Storage facilities for boats and recreational vehicles.
- (r) Sewage treatment facilities.
- (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.
- (t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.
- (u) An expansion of a mobile home park meeting the requirements of a permitted use under LC 16.231(2)(n) above and which does not exceed 50 percent of the number of mobile home spaces lawfully existing as of February 29, 1984; provided the expansion includes adequate provisions for access to and within the mobile home park and provided adequate provisions are made for sewerage and potable water.
- (v) A mobile home park on property for which a conditional use permit for: a mobile home park had previously been approved by Lane County and not denied on appeal to the State; provided:
  - (i) The previous conditional use permit was approved after January 1, 1982.
  - (ii) The proposed mobile home park is not substantially different than the one previously approved in LC 16.231(4)(v)(i) above.
  - (iii) The application for the proposed mobile home park is received and accepted prior to January 1, 1985.
  - (iv) There are adequate provisions for access to and within the proposed mobile home park and adequate sewerage and potable water.
- (w) Primary processing facility.
- (5) Conditional Use Criteria. Uses conditionally permitted under LC 16.231(4) above are subject to compliance with the following criteria:
  - (a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.
  - (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.
  - (c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.
- (6) Area. Land within the Rural Residential Zone shall be designated and adopted on the zoning map as RR-1, RR-2, RR-5 or RR-10, and the creation of a parcel or lot shall be subject to compliance with LC Chapter 13 and the following minimum area requirements:
  - (a) RR-1: 1 acre
  - (b) RR-2: 2 acres

(c) RR-5: 5 acres  
(d) RR-10: 10 acres  
(e) In either RR-1, RR-2, RR-5 or RR-10, the minimum acreage may be less than required above and whatever size is necessary to accommodate uses specified in LC 16.231(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28 --Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(f) Height. None

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.231(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones

(LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**DESTINATION RESORT ZONE (DR-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.232 Destination Resort Zone (DR-RCP).**

- (1) Purpose. The purpose of the Destination Resort Zone (DR-RCP) is:
  - (a) To recognize that large-scale, destination oriented, multiuse recreational facilities are appropriate in Lane County.
  - (b) To implement the policies of the Lane County Rural Area Comprehensive Plan which address Destination Resorts.
  - (c) To establish a procedure and standards for the development of Destination Resort facilities.
- (2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code:
  - (a) Living accommodations, including lodges, hotels, motels, cabins, condominiums, single-family and multifamily dwelling units, and structures, such as garages normally subordinate to such accommodations, provided at least 75 percent of the living accommodations shall be for other than year-round residents.
  - (b) All manner of outdoor and indoor recreational facilities, including, but not limited to, golf courses, tennis courts, swimming pools, racquetball and handball courts, riding stables and trails, nature trails, and pathways for walking/running/bicycling, campgrounds or camps, and parks.
  - (c) Convention facilities and meeting rooms.
  - (d) When incidental to and together with the uses described in LC 16.232(2)(a),(b) and (c) above, the following uses;
    - (i) Restaurants, lounges and nightclubs.
    - (ii) Theaters and performing arts auditoriums.
    - (iii) Health clubs, spas and exercise studios.
    - (iv) Craft and art studios and galleries.
    - (v) Gift shops and retail convenience stores.
    - (vi) Kennels as a service to resort guests only.
    - (vii) Commercial services and speciality shops to provide only for the needs of vacationers and visitors.
    - (viii) Airport or heliport.
    - (ix) First aid station or infirmary.
    - (x) Facilities necessary for utility service.
    - (xi) Sewer and water treatment plant.
    - (xii) Farm and forest uses.
    - (xiii) Personal services.
  - (e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).



(i) No more of a tract's existing vegetation shall be cleared from the setback and adjacent area than is necessary for a permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.232(5)(c)(i) above. Where vegetation removal beyond that allowed in LC 16.232(5)(c)(i) above cannot be avoided, the site shall be replaced during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Commercial forest practices regulated by the Oregon Forest Practices Act.

(bb) Vegetation removal necessary to provide water access for a water dependent use.

(cc) Removal of dead or diseased vegetation that poses a safety or health hazards.

(dd) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(d) Development Orientation. Any commercial, cultural or entertainment services provided as a part of the Destination Resort shall be contained within the development and shall not be oriented to public highways adjacent to the property. The buildings shall be designed to be compatible in appearance with the living accommodations and shall be constructed of similar materials.

(e) Impact on Adjacent Properties. A Destination Resort shall not significantly alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the normal permitted uses of the surrounding properties. It shall not force a significant change in or significantly increase the cost of farming or forestry practices on nearby lands devoted to such uses.

(f) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be flashing or capable of movement.

(iii) Signs shall be of a design compatible with the surrounding natural area.

(iv) Signs shall be limited to 100 square feet in area.

(6) Area. The ratio of developed (structures, paved surfaces, facilities) to undeveloped land shall not exceed 50 percent. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-04, 6.4.04; 5-04, 7.1.04)*

## **HISTORIC STRUCTURES OR SITES COMBINING ZONE (/H-RCP) RURAL COMPREHENSIVE PLAN**

### **16.233 Historic Structures or Sites Combining Zone (/H-RCP).**

(1) Purpose. By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their

architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This section is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

(2) Permit Required. No person may alter or demolish any Historic Structure or Site, unless a permit to do so has been issued by the Department upon review in accordance with the provisions of this section.

(3) Issuance of Permits. An application for a permit to alter or demolish an Historic Structure or Site shall be made by the owner, or his or her authorized agent, in the same manner as provided for in this Chapter for any building permit. The application shall be referred to the Planning Director by the Building and Sanitation Division.

(4) Planning Director Review. Alteration of a Historic Structure or Site or demolition of a Historic Structure is allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with and subject to compliance with the review criteria at LC 16.233(5) below. The application shall be processed in the manner provided for in LC 14.100. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.

(5) Criteria.

(a) A permit to demolish a Historic Structure shall be approved only upon submission of evidence that the following criterion is met: Every reasonable effort shall be made to maintain the Historic Structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(b) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(i) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(ii) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

(6) Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(a) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(b) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

(c) All designated buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance should be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this



significance shall be recognized and respected. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 6-10, 9.17.10)*

**NATURAL ESTUARY ZONE (NE-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.234 Natural Estuary Zone (NE-RCP).**

(1) Purpose. The purpose of the Natural Estuary Zone (NE-RCP) is to assure the protection of significant fish and wildlife habitats and the continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives.

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

- (a) Low intensity recreation which is water dependent.
- (b) Educational and scientific observation.
- (c) Navigational aids.
- (d) Passive estuarine restoration.
- (e) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (f) Low intensity grazing provided the area is a high salt marsh.
- (g) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (h) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.
- (i) Bridge crossings.
- (j) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to prior submittal and approval ~~by the Director pursuant to LC 14.100~~ of an application pursuant to Type II procedures of LC Chapter 14; and upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

- (a) (i) Uses.
  - (aa) Communication facilities.
  - (bb) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (ii) Criteria.
  - (aa) No fill or dredging is required.
  - (bb) The use will have minimal impact on natural resources in the area affected by the proposed use. These natural resources are as identified in the Lane County Rural Comprehensive Plan.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

(b) (i) Uses. Aquaculture which does not involve estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

(ii) Criteria.

(aa) No dredge or fill is required.

(bb) The use is consistent with the Lane County Rural Comprehensive Plan.

(c) (i) Uses.

(aa) Boat ramps for public use where no dredging or fill for navigational access is needed.

(bb) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

(cc) Installation of tidegates in existing functional dikes.

(dd) Bridge crossing support structures and dredging necessary for their installation.

(ii) Criteria.

(aa) The use is consistent with the resource capabilities of the area in that either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity and values of scientific research and education.

(bb) Substantial public benefit is demonstrated.

(d) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the NE-RCP zone.

(4) Nonconforming Use Exceptions.

(a) Docks and Piers. Actively utilized pier, docks and other structures occupying the water surface by means other than fill existing as of July 1, 1980 may be rebuilt within two years, but not expanded if damaged or destroyed notwithstanding the provisions of LC 16.251 regarding nonconforming uses.

(b) Log Storage. Notwithstanding the provisions of LC 16.251 regarding nonconforming uses, log storage sites in the NE-RCP Zone under lease from the Division of State Lands shall be allowed to continue and be renewed. Leases for storage sites in new areas are prohibited.

(5) Applicable Natural Features. The boundaries of the NE-RCP Zone are determined by the natural estuarine features. The NE-RCP Zone includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. The entire estuarine areas of the Siltcoos River and Berry, Sutton, Big and Tenmile Creeks are within the NE- RCP Zone. These are as defined on the Lane County zoning maps as specified by LC 16.252(8).

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal Permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

(a) The use is required for navigation or is otherwise water-dependent and requires an estuarine location, or is specifically allowed by the NE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses which could alter the estuary shall only be allowed if the requirements in LC 16.234(7)(b), (c) and (d) above, are met.

(8) Telecommunication Towers. Notwithstanding LC 16.234(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.234 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

**CONSERVATION ESTUARY ZONE (CE-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.235 Conservation Estuary Zone (CE-RCP).**

(1) Purpose. The purpose of the Conservation Estuary Zone CE-RCP is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this zone.

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

- (a) Low-intensity, undeveloped recreation which is water dependent.
- (b) Scientific and educational observation.
- (c) Navigational aids, such as beacons and buoys.
- (d) Passive estuarine restoration measures.
- (e) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (f) Natural resource preservation, including protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (g) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.
- (h) Bridge crossings.
- (i) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
- (j) Communication facilities.
- (k) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (l) Boat ramps for public use where no dredging or fill for navigational access is needed.
- (m) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
- (n) Installation of tidegates in existing functional dikes.
- (o) Bridge crossing support structures and dredging necessary for their installation.
- (p) Noncommercial clamming and fishing.
- (q) Low-intensity grazing; provided the area is a high salt marsh and has been so used within the 10 years prior to July 24, 1980.
- (r) Log storage; provided the storage occurs at sites under lease from Division of State Lands on July 24, 1980 and provided all state and federal agency requirements are met.
- (s) The following transportation facilities and uses, provided no filling or dredging is required:
  - (i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
  - (ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities,

services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to prior submittal and approval ~~by the Director pursuant to LC 14.100~~of an application pursuant to Type II procedures of LC Chapter 14. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an impact assessment as set forth in LC 16.249.

(a) (i) Uses. Private single-family, single-purpose piers or docks.

(ii) Criteria and Conditions.

(aa) The use will have minimal adverse impact on natural resources in the area affected by the proposed use. The resources are as identified in the Lane County Rural Comprehensive Plan.

(bb) The use is compatible with requirements of adjacent shorelands' Rural Comprehensive Plan designation.

(cc) The applicant attests in writing on a form provided by the Planning Director that no alternatives to the proposed structure are feasible.

(dd) The size and design of the structure is limited to that required for the intended use.

(b) (i) Uses. New or expanded log storage sites not otherwise provided for in LC 16.235(2)(r) above.

(ii) Criteria and Conditions.

(aa) Water storage is integral to continued operation of the associated wood processing facility.

(bb) There are no feasible upland alternatives.

(cc) The log storage operation meets Department of Environmental Quality Standards for log storage.

(dd) The use is not proposed at sites which have long-established use for public recreation such as a boat launching site or a marina site.

(ee) Public need is demonstrated.

(c) (i) Uses.

(aa) Public docks and piers.

(bb) Private multifamily docks and piers.

(cc) Mooring buoys which are permanently anchored to estuary floor.

(dd) Dolphins.

(ii) Criteria and Conditions. The use will have minimal impact on natural and recreational resources in the area affected by the proposed use. The resources are as identified in the Lane County Rural Comprehensive Plan.

(d) (i) Uses.

(aa) Boat launching ramps.

(bb) Public beaches requiring estuarine modification.

(cc) Minor dredging to improve navigability.

(ii) Criteria and Conditions.

(aa) An estuarine location is required.

(bb) No alternative locations exist which are designated as Development in the Lane County Rural Comprehensive Plan.

(cc) Adverse impacts on resources are minimized. These resources are as identified in the Lane County Rural Comprehensive Plan.

(dd) No alternative shoreland locations exist for the portions of the use requiring fill.

(ee) Public need is demonstrated.

(e) (i) Uses. Erosion control structure, including, but not necessarily limited to, seawalls, bulkheads, groins and jetties.

(ii) Criteria.

(aa) The criteria and conditions specified under Special Uses, LC 16.235(3)(d)(ii)(aa)-(ee) above are met.

(bb) The use being protected is water dependent.

(cc) Adverse impacts on water currents, erosion and accretion patterns are minimized as much as feasible.

(dd) Nonstructural solutions are inadequate to protect the use.

(f) (i) Uses. Active estuarine restoration involving dredge or fill.

(ii) Criteria.

(aa) Public need is demonstrated.

(bb) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(cc) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original Conditions.

(g) (i) Uses Riprap and associated minor fills to protect preexisting structures or specified values.

(ii) Criteria.

(aa) The use is required to protect human-made structures existing prior to October 7, 1977 or critical wildlife habitat in adjacent shorelands as identified in the Lane County Rural Comprehensive Plan.

(bb) Natural bank stabilization measures are inadequate.

(h) (i) Uses.

(aa) High-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas.

(bb) Aquaculture requiring dredge and/or fill or other alteration of the estuary.

(cc) Minor navigational improvements.

(dd) Mining and mineral extraction, including dredging necessary for mineral extraction.

(ee) Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill.

(ii) Criteria and Conditions.

(aa) The criteria and conditions listed under Special Uses LC 16.235(3)(d)(ii)(aa)-(ee) above are met.

(bb) The use is consistent with the resource capabilities of the area as measured by the following definition: a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or it is documented that the resources of the area are able to assimilate the use and activity and their effects



and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.

(cc) Associated land uses, if any, on adjacent shorelands comply with applicable Lane County land use and zoning regulations.

(i) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the CE-RCP zone.

(4) Applicable Natural Features. The boundaries of the CE-RCP Zone are defined by natural features. The CE-RCP Zone includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; those not included in the Natural Estuary Zone (NE-RCP). This zone also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as defined on the Lane County zoning maps as specified by LC 16.252(9).

(5) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal Permit, lease, easement or similar type of authorization.

(6) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

(a) The use is required for navigation or is otherwise water dependent and requires an estuarine location, or is specifically allowed by the CE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in LC 16.235(6)(b), (c) and (d) above are met.

(7) Telecommunication Towers. Notwithstanding LC 16.235(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.235 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway

Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

## DEVELOPMENT ESTUARY ZONE (DE-RCP) RURAL COMPREHENSIVE PLAN

### 16.236 Development Estuary Zone (DE-RCP).

(1) Purpose. The primary purpose of the Development Estuary Zone DE-RCP is to provide for navigational needs and public, commercial and industrial water dependent uses which require an estuarine location. Uses which are water related or non-water dependent, non-related which do not damage the overall integrity of estuarine resources and values should be considered; provided they do not conflict with the primary purpose of the zone.

(2) Permitted Uses. In the DE-RCP Zone, the following types of uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exception set forth in this Chapter; provided that no such use may be permitted which involves dredging or filling of the estuary.

(a) The following waterborne transportation and associated water dependent activities and uses:

- (i) Navigational aides.
- (ii) Maintenance dredging of navigation channel.

(b) The following commercial activities and uses which are water dependent:

- (i) Marine fueling facilities.
- (ii) Marinas.
- (iii) Loading and unloading facilities such as piers or docks.

(c) The following industrial activities and uses which are water dependent:

- (i) Marine construction and repair facilities.
- (ii) Log storage.

(d) The following public facilities which are water dependent.

- (i) Marinas.
- (ii) Docks and piers and other moorages.
- (iii) Boat launching ramps.

(e) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.



(3) Special Uses Approved by the Planning Director. The following specified uses and no others are permitted, subject to prior submittal and approval ~~by the Planning Director pursuant to LC 14.100 of an application pursuant to Type II procedures of LC Chapter 14 and~~, upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

(a) (i) Uses. Any water dependent use not specifically authorized in LC 16.236(2) above; provided that no such use may be permitted which involves dredging or filling of the estuary.

(ii) Criteria. The use is water dependent.

(b) (i) Uses. Flow-lane disposal of dredged material.

(ii) Criteria. Such action shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.

(c) (i) Uses. Flood and erosion control structures, including, but not necessarily limited to, jetties, seawalls, groins and bulkheads.

(ii) Criteria and Conditions.

(aa) The criteria specified in LC 16.236(4) below are met.

(bb) The structures are designed and sited to minimize erosion and human-induced sedimentation in adjacent areas.

(cc) The structures are designed and sited to minimize adverse impacts on water currents, water quality and fish and wildlife habitat.

(dd) The use or uses to be protected by the proposed structures are water dependent.

(d) (i) Uses. Riprap and associated minor fills to protect human-made structures existing prior to October 7, 1977.

(ii) Criteria and Conditions. Natural bank stabilization measures are inadequate.

(e) (i) Uses. All other uses; provided no dredging or filling is required.

(ii) Criteria.

(aa) A public need is demonstrated.

(bb) The use will not irrevocably limit future use of the area for water dependent commercial or industrial facilities.

(cc) The use will have minimal impact on resources, as identified in the Lane County Rural Comprehensive Plan, in the area affected by the proposed use.

(f) (i) Uses.

(aa) Low-intensity recreation which is water dependent.

(bb) Scientific and educational observation.

(cc) Active estuarine restoration.

(dd) Aquaculture.

(ee) Communication facilities.

(ff) Bridge crossing support structures.

(ii) Criteria and Conditions .

(aa) The criteria specified in LC 16.236(4) below are met for any use or activity requiring dredge or fill.

(bb) The use or activity will not irrevocably limit the future or present use of the area for water dependent commercial or industrial facilities.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

(g) (i) Uses. Any uses specified in LC 16.236(2) above which involve dredging or filling of the estuary.

(ii) Criteria. The criteria specified in LC 16.236(4) below.

(h) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the DE-RCP zone.

(4) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

(a) The use is required for navigation or is otherwise water dependent, and requires an estuarine location, or is specifically allowed by the DE-RCP zone; and

(b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(c) No feasible alternative upland locations exist; and

(d) Adverse impacts on identified estuarine values are minimized.

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements of LC 16.236(4)(b), (c) and (d) above are met.

(5) Applicable Physical, Geographical or Natural Features. The DE-RCP Zone is designed to apply to navigation channels, subtidal areas for in-water disposal of dredged material, major navigational appurtenances, deep water areas adjacent to the shoreline and areas of minimal biological significance needed for uses requiring alteration of the estuary. These are as defined on the Lane County zoning maps as specified by LC 16.252(9).

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Telecommunication Towers. Notwithstanding LC 16.236(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.236 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02; 10-04, 6.4.04)*

## **SIGNIFICANT NATURAL SHORELANDS COMBINING ZONE (/SN-RCP) RURAL COMPREHENSIVE PLAN**

### **16.237 Significant Natural Shorelands Combining Zone (/SN-RCP).**

(1) Purpose. The Significant Natural Shorelands Combining Zone /SN-RCP is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing a combination of unique physical, social or biological characteristics requiring protection from intensive human disturbances. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /SN-RCP Zone is applied to prominent aesthetic features, such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas.

The /SN-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN-RCP Zone that require protection beyond that provided by the zone or zones with which the /SN-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /SN-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /SN-RCP Zone is combined. Where the requirements of the /SN-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(10) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /SN-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Shore-secured floating moorage facilities in adjacent water areas.

(f) Dredged material disposal when the /SN-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(g) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following specified uses and no others are permitted, subject to prior submittal and approval ~~by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14~~ upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /SN-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237(6), (7) and (8) below.

(ii) Criteria and Conditions.

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

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

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

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

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

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /SN-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.237(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.

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

(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.

(dd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling-type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following uses are specially prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in the Lane County Rural Comprehensive Plan.

(6) Site and Development Requirements. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber

harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

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

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

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.237(6)(a) above. Where vegetation removal beyond that allowed in LC 16.237(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /SN-RCP Zone is combined.

(e) No topographic modification is permitted within the 100-foot setback area specified by LC 16.237(7) below.

(f) The shoreward half of the setback area specified by LC 16.237(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.237(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.237(7) below.

(i) All mature trees must be retained within the setback area specified by LC 16.237(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

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

Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /SN-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 100 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 100 feet shall be as specified in LC 16.237(6)(e)-(h) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.



(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /SN- RCP Zone, based on the Preliminary Investigation in LC 16.237(10) below. These criteria are in addition to minimum area requirements of any zone combined with the /SN-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development:

(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact quality, and not increase hazard to life or property.

(b) For lands not within urban or urbanizable areas or lands developed or committed to development:

(i) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Additional Area Requirements. Land divisions meeting the above specified criteria are permitted, subject to the minimum area requirements of the respective zone or zones with which the /SN-RCP Zone is combined or 10 acres, whichever is greater.

(10) Preliminary Investigation. Any proposal for development within the /SN-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /SN-RCP Zone shall apply. The requirements of the /SN-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and floodway fringe.

(ii) Land lying between the mean high water and mean low watermark of the coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat. Other than that listed in LC 16.237(10)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands, identified in the Lane County Coastal Inventory.

(11) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(12) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /SN-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.237(10) above.

(13) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.~~500080~~ **except for LC 14.080(1)(a).**

(14) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(15) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.



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(d) Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(e) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(16) Application of Zone to Federal Lands. The application of the /SN-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10; 7-12, 12.28.12)*

**PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.238 Prime Wildlife Shorelands Combining Zone (/PW-RCP).**

(1) Purpose. The Prime Wildlife Shorelands Combining Zone (/PW-RCP) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species or a diversity of wildlife species. Lands in this zone serve to protect wildlife habitat, water quality, bank stability and provide flood control. The /PW RCP Zone is applied to areas of riparian vegetation and to the habitat limits of specific species of concern.

The /PW-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /PW-RCP Zone that require protection beyond that provided by the zone or zones with which the /PW-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /PW-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /PW-RCP Zone is combined. Where the requirements of the /PW-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /PW-RCP Zone by the Preliminary Investigation specified by LC 16.238(9) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /PW-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Dredged material disposal when the /PW-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(f) Shore-secured floating moorages, mooring buoys, multipurpose-multifamily, piling-docks and piers, dolphins and other moorage facilities in adjacent lakes and Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /PW-RCP Zone based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the following specified uses and no others are subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

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

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(ii) Criteria. All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /PW-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.238(6), (7) and (8) below.

(ii) Criteria and Conditions.

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

(bb) The structures shall not occupy more than 30 percent of the lot area.

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

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

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

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary.

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /PW-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /PW RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.238(5) below.

(ii) Criteria.

(aa) Maintain the natural quality of surface and subsurface waters.

(bb) Maintain bank stability.

(cc) Avoid sedimentation of coastal waters.

(dd) Maintain a shore-front zone of riparian vegetation at least comparable to that required in LC 16.238(6), (7) and (8) below or greater, if necessary, to provide flood control and preserve important riparian wildlife habitat.

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

(ff) Any other applicable criteria provided within the respective zone with which the /PW-RCP Zone is combined.

(gg) All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-living type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigations specified by LC 16.238(9) below, the following uses are specifically prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in Lane County Rural Comprehensive Plan.

(c) New piling-type piers of any descriptions when adjacent to a Natural Estuary Zone (NE-RCP).

(d) Dredged material disposal.

(6) Site and Development Requirements. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

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

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

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a) above. Where vegetation removal beyond that allowed in LC 16.238(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /PW-RCP Zone is combined.

(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).

(f) The shoreward half of the setback area specified by LC 16.238(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7) below.

(i) All trees must be retained within the setback area specified by LC 16.238(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

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

(l) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /PW-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development:

(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(ii) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.

(iii) Minimum area requirements for the division of land shall be based on the minimum parcel size in the zone with which the /PW-RCP Zone is combined, or five acres, whichever is greater.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and the floodway fringe.

(ii) Land lying between the mean high, high water and mean low water mark of coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone (LC 16.243) would be inadequate to protect water quality, water temperature or shoreland stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat, composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian



resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(10) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(11) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /PW-RCP Zone and shall set forth the basis for the determination based on the criteria specified in LC 16.238(9) above.

(12) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500080 except for LC 14.080(1)(a).

(13) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(14) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(e) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(15) Application of Zone to Federal Lands. The application of the /PW-RCP Zone shall be held in abeyance until such time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 6-10, 9.17.10; 7-10, 11.25.10)*

**NATURAL RESOURCES CONSERVATION COMBINING ZONE (/NRC-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.239 Natural Resources Conservation Combining Zone (/NRC-RCP).**

(1) Purpose. The Natural Resources Conservation Zone (/NRC-RCP) is applied to those coastal area shorelands identified in inventory information as timber lands, agricultural lands or shorelands in dune areas. It is the purpose of the /NRC-RCP zone to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal waters.

The /NRC-RCP Zone is specifically designed to carry out the following purposes:

- (a) Conservation and maintenance of renewable resources, primarily silvicultural and agricultural.
- (b) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.
- (c) Enhancement of renewable resources such as the coastal fisheries and timber industries.
- (d) Allow for recreation and public access to coastal waters.

The /NRC-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /NRC-RCP Zone which require protection beyond that provided by the zone or zones with which the /NRC-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /NRC-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /NRC-RCP Zone is combined. Where the requirements of the /NRC-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /NRC-RCP Zone by the Preliminary Investigation specified by LC 16.239(8) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /NRC-RCP Zone is combined.

(b) Agricultural activities and general farming uses and structures as permitted by the zone or zones with which the /NRC-RCP Zone is combined.

(c) Dredged material disposal when the /NRC-RCP Zone is in conjunction with the /DMS-RCP Zone.

(d) Shore-secured floating moorage facilities in adjacent water areas.



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(e) Public, commercial or private, multifamily, multi-use piling-docks and piers in adjacent lakes and in estuary zones, subject to the requirements of the respective estuary zones.

(f) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(g) Harvesting of wild crops.

(h) Low-intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the following specified uses and no others are subject to prior submittal and approval by the Planning Director pursuant to LC 14.100, of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family dwelling units and mobile homes and such accessory buildings as allowed in the underlying zone.

(ii) Criteria. All requirements set forth in LC 16.239(5), (6) and (7) below are met.

(b) (i) Uses. Single family dwelling units and mobile homes as allowed in the zone or zones with which the /NRC-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.239(5), (6) and (7) below.

(ii) Criteria.

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

(bb) The structures shall not occupy more than 30 percent of lot area.

(cc) All applicable height restrictions are observed.

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

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation criteria by LC 16.239(5) below is minimized.

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

(c) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes or Development or Conservation Estuary Zones.

(ii) Criteria.

(aa) The applicant shall attest in writing that there are no viable alternatives to the construction of a private, single-family structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zones are met.

(d) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.239(5)(d) below.

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(e) (i) Uses. All permitted buildings and uses, special uses or conditional uses allowed in the respective zone with which the /NRC-RCP Zone is

combined, subject to the development, setback and area requirements of this section, except where expressly prohibited by this section.

(ii) Criteria.

(aa) All applicable criteria provided with the respective zone with which the /NRC-RCP Zone is combined are met.

(bb) All requirements set forth in LC 16.239(5), (6) and (7) below are met.

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

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

(f) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977, or to protect public or private roads, bridges or railroads.

(bb) Natural bank stabilization methods are unfeasible.

(g) (i) Uses. Fills in coastal lakes adjacent to the /NRC-RCP Zone.

(ii) Criteria and Conditions.

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

(bb) Cumulative and direct impacts on water quality must be minimized.

(cc) The benefits of the proposed fill to long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality.

(5) Site and Development Requirements. If found subject to the requirement of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /NRC-RCP is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /NRC-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

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

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

(c) Thirty feet of indigenous riparian vegetation shall be retained along all coastal water bodies. This shall be measured at right angles from the mean high waterline of the coastal water body.

(d) Existing trees must be retained with an area 50 feet in width measured at right angles from the mean high waterline of the coastal water body.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.239(6) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.239(6) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /NRC-RCP Zone is combined.

(h) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(6) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /NRC-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from the coastal lakes measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.239(5)(c)-(f) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(7) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /NRC-RCP Zone, based on the Preliminary Investigation in LC 16.239(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /NRC-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /NRC-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /NRC-RCP Zone shall apply. The requirements of the /NRC-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply:

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and the floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.

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(iii) Dikes, dam, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.239(8)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(9) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(10) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels,

subject to the requirements of the /NRC-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.239(8) above.

(11) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.~~500080~~ **except for LC 14.080(1)(a).**

(12) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(13) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Where applications for development are received for lands zoned for timber production, said applications shall be referred to the District Forester of the Oregon Department of Forestry. The District Forester shall have a 14-day "review and comment" period to evaluate the impact of the proposed development on the timber productivity of the parcel and adjacent lands.

(e) Improvements to ocean shore areas (as defined in ORS 390.065) are subject to a permit from the Oregon Department of Transportation.

(14) Application of Zone to Federal Lands. The application of the /NRC-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10)*

## **RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD- RCP) RURAL COMPREHENSIVE PLAN**

### **16.240 Residential Development Shorelands Combining Zone (/RD-RCP).**

(1) Purpose. The Residential Development Combining Zone (/RD-RCP) is applied to coastal shorelands areas suited to residential development within urbanizable areas and to lands outside of urbanizable areas which have been committed to residential use by their development pattern, including actual development and the platting of subdivision lots. Within these areas, the /RD-RCP Zone is designed to ensure:

- (a) Development in a manner that will protect water quality.
- (b) Preservation and enhancement of riparian vegetation.
- (c) Provision of recreational use of shorelands.

(d) Diversification of shorelands uses. The /RD-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /RD-RCP Zone that require protection beyond that provided by the zone or zones with which the /RD-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /RD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /RD-RCP Zone is combined. Where the requirements of the /RD-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /RD-RCP Zone by the Preliminary Investigation specified by LC 16.240(9) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section:

(a) Shore-secured floating moorage facilities in adjacent estuaries and lakes.

(b) Private multifamily, multi-use type docks and piers in adjacent lakes and estuarine areas, if permitted by the respective estuary zone.

(c) Dredged material disposal when the /RD-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(d) Commercial or public docks and piers; provided such uses conform to the purposes of the zone or zones with which the /RD-RCP Zone is combined and provided such uses conform to the requirements of the respective estuary zone.

(e) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(f) Harvesting of wild crops.

(g) Low intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.240(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /RD-RCP Zone is combined, but where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.240(6), (7) and (8) below.

(ii) Criteria and Conditions.

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

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

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



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

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

(c) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /RD-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.240(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone or zones with which the /RD-RCP Zone is combined are met.

(bb) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Water Pollution Control Division shall be the proper consulting agency in this regard.

(cc) All requirements set forth in LC 16.240(6), (7) and (8) below are met.

(d) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes and estuary. (No piling-type piers are permitted in the Natural Estuary Zone (NE-RCP)).

(ii) Criteria.

(aa) The applicant shall attest in writing, subject to confirmation by the Planning Director, that there are no viable alternatives to the construction of a private, single-family pier or dock structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zone are met.

(e) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.240(6).

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(f) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) Natural erosion processes threatening a water-dependent use(s) or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(5) Prohibited Uses. The following uses or activities are expressly prohibited in the /RD-RCP Zone: Fills in coastal lakes adjacent to the /RD-RCP Zone.

(6) Site and Development Requirements. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the below specified development requirements shall be in addition to those provided by the respective zone or zones with which the /RD-RCP Zone is combined. These requirements shall not apply to timber harvest activities where the

underlying zone allows timber harvesting as a permitted use. In such areas, timber harvesting activities shall conform to Oregon Forest Practices Act rules.

(a) Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the structures, necessary access, septic requirements and fire safety requirements.

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

(c) Within the setback area specified under LC 16.240(7) below, all indigenous riparian vegetation, except that removed to provide paths to the water body, shall be retained within an area 30 feet in width measured at right angles from the mean high waterline of the water body. For the remainder of the required setback area, brush may be removed, but trees shall be retained.

(d) Where riparian vegetation does not exist along the shoreline of the estuary or coastal lakes, an area 30 feet in width, measured at right angles to the shoreline, shall be planted in indigenous vegetation or other vegetation which will aid in bank stabilization and prevent sedimentation of the water body. Areas necessary for access to the water body are exempted from this requirement. Continued maintenance of this vegetation shall be the responsibility of the landowner.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.240(7) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.240(7) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /RD-RCP Zone is combined.

(h) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) **Additional Setback Requirements.** Setbacks shall be as required in the zone or zones with which the /RD-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.240(6)(c)-(f) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) **Special Land Division Requirements.** The following criteria shall be met for land divisions on property within the /RD-RCP Zone, based on the Preliminary Investigation in LC 16.240(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /RD-RCP Zone.



(a) For lands within urban or urbanizable areas or lands developed or committed to development: Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /RD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /RD-RCP Zone shall apply. The requirements of the /RD-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and the floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26 foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.240(9)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(10) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(11) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /RD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.240(9) above.

(12) Appeal to the Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500080 ~~except for LC 14.080(1)(a)~~.

(13) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(14) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(15) Application of Zone to Federal Lands. The application of the /RD-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10)*

**SHORELANDS MIXED DEVELOPMENT COMBINING ZONE (/MD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.241 Shorelands Mixed Development Combining Zone (/MD-RCP).**

(1) Purpose. The Shorelands Mixed Development Combining Zone (/MD-RCP) is applied to those coastal shorelands which are recognized in the Lane County Rural Comprehensive Plan and supportive technical data as being all or partially committed to commercial and industrial uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that they be preserved for the expansion of existing water dependent and water related commercial or industrial uses; provided such uses cannot be accommodated within the urbanizable or urbanized area of the City of Florence.

The /MD-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /MD-RCP Zone that require protection beyond that provided by the zone or zones with which the /MD-RCP Zone is combined, and imposes additional development requirements within those boundaries.

In addition, the /MD-RCP Zone is specifically intended to carry out the following purposes:

- (a) Provision, adjacent to deep water environments or shoreland sites for use by water dependent and water related commercial and industrial uses.
- (b) Protection of previously existing water dependent and water related commercial and industrial sites in shoreland areas.
- (c) Provision of opportunities for non-water dependent or non-water related uses within the parameters of the Lane County Rural Comprehensive Plan and Statewide Planning requirements.
- (d) Protection of coastal waters and avoidance of geologic and hydrologic hazards.

(2) Intent. The requirements imposed by the /MD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /MD-RCP Zone is combined. Where the requirement of the /MD-RCP Zone conflict with the requirement of the zone or zones with which it is combined, the more restrictive requirements shall apply. Non-water dependent or non-related uses shall only be allowed if the parcel in question has been demonstrated unsuited for water dependent or water related uses.

(3) Permitted Uses. In areas found subject to the requirements of the /MD-RCP Zone by the Preliminary Investigation specified by LC 16.241(8) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section:

- (a) The following boat moorage and storage facilities:
  - (i) Dry land storage.
  - (ii) Shore-secured floating moorage facilities, mooring buoys, piling-type piers and launch ramps; provided such facilities are located within adjacent Development Estuary Zones (DE-RCP) or a lake.
- (b) The three wood processing facilities identified and found to be water dependent in the Coastal Goals Compliance Report element of the Lane County Rural Comprehensive Plan.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the following specified uses and no others are

permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

(a) (i) Uses. Water dependent and water related commercial and industrial uses outside of urban and urbanizable areas.

(ii) Conditions and Criteria.

(aa) Uses cannot be accommodated within an urban or urbanizable area.

(bb) The site has the potential for water dependent and water related uses.

(cc) Short-term economic gain or convenience in development shall be evaluated in relation to potential long-term effects on the estuary and shoreland, as well as the long-term economy of the area.

(dd) Visual attractiveness of design and layout is considered.

(ee) Maintain or encourage riparian vegetation for erosion control, bank stabilization, maintenance of water quality and temperature aesthetics where feasible.

(b) (i) Uses. New single-family dwelling units and mobile homes or other residential units and accessory buildings as allowed in the underlying zones outside of urban and urbanizable areas.

(ii) Criteria and Conditions.

(aa) The parcel is unsuited to water dependent or water related uses.

(bb) All requirements set forth in LC 16.241(6), (7) and (8) below are met.

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in other than a Development Estuary Zone (DE-RCP) or a lake.

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility meets the requirements of the respective estuary zone.

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /MD-RCP Zone is combined.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone with which the /MD-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as may be provided otherwise by the provisions of LC 16.241(3), (4) and (5) above and below.

(ii) Criteria and Conditions. The use is water dependent or water related, or if the parcels are unsuited to water dependent uses, then uses which are non-dependent, non-related, conforming to the requirements of the underlying zone and the requirements of LC 16.241(3), (4) and (5) above and below.

(e) (i) Uses. Artificial bank stabilization.

(ii) Criteria.

(aa) Natural erosion processes threatening a water dependent use(s), or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are deemed unfeasible or less appropriate.

(f) (i) Uses. Filling coastal lakes or estuary adjacent to /MD-RCP Zone.

(ii) Criteria and Conditions.

(aa) Cumulative effects of all such fills shall be considered.

(bb) The fill is required to protect a water dependent use from erosion.

(cc) All requirements set forth in LC 16.241(6)(b) and (c) and LC 16.241(7) and (8) below apply.

(dd) If the fill meets the requirements of the respective estuary zone and the requirements of State and Federal agencies.

(5) Determination of Land Suitable for Water Dependent/Water Related Uses. The following criteria shall be used to determine the suitability of land found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation, for water dependent, water related uses. Land not possessing one or more of the following characteristics shall be considered unsuitable for such uses:

(a) Land adjacent to deep water close to shore with supporting land transport facilities suitable for ship and barge facilities.

(b) Aquaculture suitability.

(c) Protected areas adjacent to shore, subject to scour which would require little dredging for marina use.

(d) Potential for high intensity recreational use of water body and existing riparian resources. Such areas include those areas used traditionally for high intensity recreation or exceptional aesthetic resources.

(6) Site and Development Requirements. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /MD-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /MD-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) Riparian vegetation shall be maintained or encouraged to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water dependent or water related use.

(b) The applicant must submit a complete analysis of all physical and biological impacts upon the shorelands area and upon coastal waters and water resources. The report shall consider, at a minimum, the critical relationships which exist between coastal shorelands and coastal water resources and the potential for geological and hydrological hazards:

(c) The benefits of the proposed activity to the long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature and resources, bank stabilization, erosion control and general aesthetics.

(d) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /MD-RCP Zone, based on the Preliminary Investigation in LC 16.241(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /MD-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /MD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /MD-RCP Zone shall apply. The requirements of the /MD-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply:

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark of coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of;

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone, LC 16.243, would be inadequate to protect water quality, water temperature or shoreline stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.



(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat, composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.241(8)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(9) Fees for Preliminary Investigation. To partially defray the expense in performing the preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(10) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /MD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.241(8) above.

(11) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500080 ~~except for LC 14.080(1)(a).~~

(12) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(13) Application of Zone to Federal Lands. The application of the /MD-RCP Zone shall be held in abeyance until such time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10)*

**DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.242 Dredge Material Mitigation Site Combining Zone (/DMS-RCP).**

(1) Purpose. The Dredge Material/Mitigation Site Combining Zone (/DMS-RCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Rural Comprehensive Plan. The purpose of the /DMS-RCP Zone is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS-RCP Zone may only be applied, where appropriate, in combination with the three Estuary Zones (/NE-RCP, /CE-RCP, or /DE-RCP), or with the Significant Natural Shorelands Combining Zone (/SN-RCP), Natural Resources Conservation Combining Zone (/NRC-RCP), Residential Development Shorelands Combining Zone (/RD-RCP) and Shorelands Mixed Development Combining Zone (/MD-RCP) and the underlying zones with which the Shorelands zones are combined.

(2) Permitted Uses and Buildings.

(a) Farm uses as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(b) Propagation and harvesting of forest products as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(c) Dredged material deposition; provided, however, such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.

(d) Activities in conjunction with a mitigation plan approved by the Division of State Lands; provided, however, such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan.

(3) Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to prior submittal and approval of ~~of an application pursuant to Type II procedures of LC Chapter 14, the Planning Director as provided for in LC 14.100,~~ based on the criteria below. The following criteria apply to review of a use in the /DMS-RCP Zone:

(a) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this zone; or

(b) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project.

(4) Stabilization of Dredged Materials. It shall be the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained.

(5) Responsibility to Acquire Mitigation/Restoration Sites. It shall not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation



channel and development of the estuary. It shall also not be the responsibility of Lane County to acquire sites for restoration to the estuary. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 7-12, 12.28.12)*

**BEACHES AND DUNES COMBINING ZONE (/BD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.243 Beaches and Dunes Combining Zone (/BD-RCP).**

(1) Purpose. The Beaches and Dunes Combining Zone (/BD-RCP) is intended to be used in conjunction with the underlying zones in all coastal beach and dune areas in order to:

(a) Ensure the protection and conservation of coastal beach and dune resources.

(b) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

(c) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

(d) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.

(e) To provide for such protection of beach and dune resources above and beyond that provided by the underlying zone.

(2) Intent. The requirements imposed by the /BD-RCP Zone shall be in addition to those imposed by the underlying zone. Where the requirements of the /BD-RCP Zone conflict with those of the underlying zone, the more restrictive requirements shall apply.

(3) Permitted Uses. All permitted buildings and uses allowed in the respective zone with which the /BD-RCP Zone is combined, except as may be provided otherwise by the provisions of LC 16.243(4) below.

(4) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, LC 14.050 and approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria:

(a) (i) Uses. Beachfront protective structures.

(ii) Criteria.

(aa) The structure is to protect development existing on January 1, 1977.

(bb) Visual impacts are minimized.

(cc) Public access is preserved.

(dd) Negative impacts on adjacent property are minimized.

(ee) Long-term or recurring costs to the public are avoided.

(b) (i) Uses. Buried fuel tanks.

(ii) Criteria.

(aa) The tanks are entirely free of leaks and have and impermeable coating.

(bb) The tank is located, to the greatest extent feasible, in a well-drained area.

(cc) The tank is not located in active foredunes, on other conditionally stable foredunes which are subject to ocean undercutting or wave overtopping, and on deflation plains subject to ocean flooding.

(c) (i) Uses. Commercial removal of sand.

- (ii) Criteria.
    - (aa) The area is not an ocean beach.
    - (bb) Historic surplus accumulations of sand exist.
    - (cc) A Site Investigation Report, as determined by the outcome of a Preliminary Investigation pursuant to LC 16.243(10) below.
    - (dd) Removal of surplus sand can be accomplished without significant impairment of the natural functions of the beach and dune system, and hydraulic processes according to the Site Investigation Report.
  - (d)
    - (i) Uses. Foredune breaching.
    - (ii) Criteria and Conditions.
      - (aa) The breaching is required to replenish sand supply in interdune areas; or
      - (bb) Emergencies on a temporary basis.
      - (cc) Such breaching does not endanger existing development.
      - (dd) The breaching does not adversely impact critical wildlife habitat.
      - (ee) The areas affected by the breaching are restored.
  - (e)
    - (i) Uses. Commercial drift log removal from beaches.
    - (ii) Criteria.
      - (aa) The removal will result in significant public benefit, improved recreational access, improved scenic values or protection of wildlife habitat.
      - (bb) The removal will not result in increased beach or foredune erosion which will endanger existing development.
  - (f)
    - (i) Uses. Jetties on beach areas.
    - (ii) Criteria.
      - (aa) Adverse impacts on existing beach and shoreline development are minimized.
      - (bb) Public need is demonstrated.
  - (g)
    - (i) Uses. All buildings and uses allowed conditionally or by special use approval in the respective zone with which the /BD-RCP Zone is combined.
    - (ii) Criteria and Conditions.
      - (aa) Applicable criteria provided within the respective zone with which the /BD-RCP Zone is combined.
      - (bb) All other provisions of this section.
- (5) **Prohibited Development Areas.** No development, with the exception of minimal development, shall be permitted on the following dune landforms:
  - (a) Beaches, except as provided for in LC 16.243(4)(a) above.
  - (b) Foredunes, if subject to wave overtopping or ocean undercutting.
  - (c) Active dune forms.
  - (d) Nearshore deflation plain. The prohibition of development of active dune areas is not intended to prohibit the stabilization of open sand areas with appropriate pioneer and successional species, thereby removing these lands from the active dune classification.
- (6) **Uses Subject to State and Federal Permits.**
  - (a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special permit review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement of similar type of authorization.

(7) Coastal Shore Setback Requirements. Any development, with the exception of development provided for as special uses in LC 16.243(4)(a) above, which is permitted adjacent to ocean beaches must be setback from the mean high tide line a minimum of 50 feet measured horizontally. This setback may be increased if the Preliminary Investigation indicates hazard to the site due to:

- (a) Low elevation of the site with respect to potential for wave action.
- (b) Instability of dune landforms protecting the site from wave action.

(8) Additional Site and Development Requirements. The following requirements apply to all development, except the harvesting of timber as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:

(a) Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.

(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

(c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(8)(a) above shall be replanted within nine months of the termination of major construction activity.

(d) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(e) Development shall result in the least topographic modification of the site as is possible.

(f) Slopes in excess of 25 percent shall be prohibited from development.

(g) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.

(h) The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the respective zone with which the /BD-RCP Zone is combined, unless specifically provided otherwise by the provision of the /BD-RCP zone.

(9) Area Requirements. The minimum area for the division of land may be increased where the requirement otherwise is insufficient to meet the following standards:

(a) Environmental Quality Commission nitrate nitrogen loading standards for subsurface sewage disposal.

(b) No more than five percent impermeable surface shall be allowed.

(10) Preliminary Investigation Required. Any proposal for development, with the exception of minimal development or timber harvesting activities as permitted by the

respective zone with which the /BD-RCP zone is combined, shall require a Preliminary Investigation (Development Hazards Checklist) by the Planning Director to determine:

- (a) The dune landform(s) present on the site.
- (b) Hazards associated with the site.
- (c) Hazards presented by adjacent sites.
- (d) Existence of historical or archeological sites.
- (e) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.
- (f) Potential development impacts, including cumulative impacts.
- (g) If a full or partial Site Investigation Report shall be required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

(11) Fee for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(12) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

(13) Notification of SIR Requirement. The Planning Director shall notify the applicant of the results of the Preliminary Investigation and if a SIR shall be required. The notification shall be by mail within 10 days of completion of the Preliminary Investigation.

(14) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(15) Qualifications for SIR Preparation. The SIR shall be prepared by a person or team of persons qualified by experience, training and area. The applicant shall either:

- (a) Choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, and approved by the Board of County Commissioners; or
- (b) Designate a person or team of persons to prepare the SIR with said persons' qualifications, subject to the approval of the Planning Commission, based on standards established by the Board of County Commissioners.

(16) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

(17) Condition Imposed Based on SIR Recommendations. Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development for the purposes of safety, health, welfare and in keeping with the purpose of the /BD-RCP Zone.

(18) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.500.080 except for LC 14.080(1)(a).

(19) Applicable Geographical Features. The /BD-RCP Zone is applied to all coastal beach and dune landforms as specified in the Lane County Rural Comprehensive Plan. These are:

- (a) Beaches.
- (b) Foredunes.
- (c) Active dune forms.

- (d) Recently stabilized dune forms.
- (e) Older stabilized dune forms.
- (f) Interdune forms.

The boundaries of the /BD.-RCP Zone are shown on the Lane County zoning maps as specified by LC 16.252.

(20) Application of Zone to Federal Lands. The application of the /BD-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 6-10, 09.17.10; 7-10, 11.25.10)*

### **FLOODPLAIN COMBINING ZONE (/FP-RCP) RURAL COMPREHENSIVE PLAN**

#### **16.244 Floodplain Combining Zone (/FP-RCP).**

(1) Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this section are designed to:

- (a) Protect human life and health.
- (b) Minimize expenditure of public money and costly flood control projects.
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (d) Minimize prolonged business interruptions.
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazards.
- (f) Help maintain a stable tax base by providing for the sound use and development of areas as special flood hazard so as to minimize future flood blight areas.
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) Methods of Reducing Flood Losses. In order to accomplish its purpose, this section includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- (d) Controlling filling, grading, dredging and other development, which may increase flood damage.
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(3) Lands to Which This Section Applies. This section shall apply to all areas of flood hazard within Lane County, and overlay the regulations of the underlying zone.

(a) Areas of flood hazard for Lane County under the jurisdiction of the Rural Comprehensive Plan are identified by the Federal Insurance Administration in a scientific and engineering report entitled "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON UNINCORPORATED AREAS", with accompanying Flood Insurance Rate Maps.

(b) Areas of flood hazard shall also include any land area designated by the Director as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.

(c) Flood hazard areas shall be adopted by Board Order, made a part of Lane Manual (LM 11.020) and filed in the office of the Department. Such studies shall form the basis for the administration and implementation of this section.

(4) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(5) Development Subject to Director Approval. Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, and "development" as this term is defined in LC -16.244(6). Application for approval shall be filed with the Department pursuant to ~~LC 14.050~~Type I procedures of LC Chapter 14.

(6) Definitions. Except as otherwise provided in LC 16.244, the definitions below shall be used for LC 16.244.

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

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

Development. For the purposes of LC 16.244, development is defined in LC 16.090, and shall include dredging, paving, and drilling operations and the storage of equipment and materials.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal



waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

Flood Elevation Determination. A determination by the Director of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administrations that includes flood profiles and the water surface elevation of the base flood.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation more than one foot.

Start of Construction. For the purposes of LC 16.244, the start of construction is defined in LC 16.090, and shall include the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(7) Requirements of the Director. The Director shall:

(a) Review all development applications to determine that the permit requirements of this section have been satisfied.

(b) Review all development applications to determine that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.

(c) Review all development applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of LC 16.244(8)(d) are met.

(d) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer this section.

(e) Where base flood elevation data is provided through the Flood Insurance Study or required as in LC 16.244(7)(d), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(f) For all new or substantially improved flood-proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and

(ii) Maintain the flood-proofing certifications required for elevation of nonresidential construction in zones A1-10, AH and AE.

(g) Maintain for public inspection all records pertaining to the Provisions of this section.

(h) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(i) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

(j) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the Hearings Official as provided in LC 14.500080 except for LC 14.080(1)(a).

(k) Record a notice of designation of substantial damage to a residential structure at Lane County Deeds and Records when the residential structure meets (i) and (ii) below. This form will be provided by the Director. Once the structure has been brought into compliance and at the request of the property owner, the Director is required to sign a notice of remedy of substantial damage that is recorded at Lane County Deeds and Records. The notice of remedy will declare the previously recorded notice of substantial damage void.

(i) Has sustained substantial damage; and

(ii) Has not been brought into compliance with LC 16.244.

(8) Provisions for Flood Hazard Reduction. In all areas of flood hazard, the following standards are required:

(a) Provisions applicable to Unnumbered A, A1-10, AH and AE zones:

(i) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.



(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(iii) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building and manufactured home placement permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include the use of historical data, high water marks, photographs of past flooding, etc., where available.

(c) Floodways. Located within areas of special flood hazard established in LC 16.244(3) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(i) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evidence shall utilize hydrologic and hydraulic analyses performed in accordance with standard engineering practices.

(ii) Where base flood elevations have been provided but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(iii) If LC 16.244(8)(c)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions for development in zones A1-30, AH and AE.

(iv) Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway.

(d) Development in areas of special flood hazard shall also comply with the provisions in *Table 1: Provisions for Flood Hazard Reduction*.

*Table 1: Provisions for Flood Hazard Reduction*

| <b>Flood Zone</b> | <b>Foundations and Anchoring</b>   |
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| Unnumbered A      | <p>(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.</p> <p>(2) All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.</p>  |
| A1-30, AH and AE  | <p>(1) All new construction and substantial improvements subject to less than 18 inches of flood water during a 100-year flood shall be anchored to prevent flotation, collapse and lateral movement.</p> <p>(2) All manufactured homes subject to less than 18 inches of flood water during a 100-year flood shall be anchored and/or supported to prevent flotation, collapse and lateral movement, in</p> |

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|                   | <p>accordance with the State of Oregon, Manufactured Dwelling Standard.</p> <p>(3) All new construction, substantial improvements and manufactured homes not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood, shall be anchored to prevent flotation, collapse, and lateral movement which may reasonably occur independently or combined. Designs for meeting this requirement shall be certified by an Oregon registered engineer or architect.</p> <p>(4) All manufactured homes in existing manufactured home parks and existing manufactured home subdivisions shall be anchored to prevent flotation, collapse, and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.</p> <p>(5) Foundations for all new construction, substantial improvements, and manufactured homes that are not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood or located within a designated floodway, shall be certified by an Oregon registered professional engineer or architect to meet the following minimum foundation requirements:</p> <p>(a) concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted.</p> <p>(b) footings extending below the frost line.</p> <p>(c) reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined.</p> <p>(6) All Manufactured homes located in an existing manufactured home park or existing manufactured home subdivision shall be supported in accordance with the State of Oregon, Manufactured Dwelling Standard.</p> |
| <b>Flood Zone</b> | <b>Utilities</b>   |
| Unnumbered A      | <p>(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.</p> <p>(2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and</p> <p>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</p>  |
| A1-30, AH and AE  | <p>(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the</p>   |

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|                   | <p>system. Public water systems which utilize wells for a source(s) shall be constructed such that the top well elevation is at least one foot above the 100-year flood elevation.</p> <p>(2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.</p> <p>(3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.</p>  |
| <b>Flood Zone</b> | <b>Elevation: Residential</b>  |
| Unnumbered A      | New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the highest adjacent grade. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."   |
| A1-30, AH and AE  | New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."  |
| <b>Flood Zone</b> | <b>Elevation: Nonresidential</b>   |
| Unnumbered A      | New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above grade; or, together with attendant utility and sanitary facilities, shall be flood-proofed to a level two feet above the highest adjacent grade, so the structure is watertight with walls substantially impermeable to the passage of water.   |
| A1-30, AH and AE  | <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:</p> <ul style="list-style-type: none"> <li>(a) be flood-proofed to one foot above the base flood level, so the structure is watertight with walls substantially impermeable to the passage of water;</li> <li>(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</li> <li>(c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in LC 16.244(7)(f)(ii).</li> </ul> <p>Nonresidential structures that are elevated, not flood-</p> |

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|                   | <p>proofed, must meet the same standards as residential construction of fully enclosed areas below the lowest floor in zones A1-30, AH and AE.</p> <p>(d) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).</p>  |
| <b>Flood Zone</b> | <b>Elevation of Manufactured Homes</b>  |
| Unnumbered A      | <p>(1) All manufactured homes not in an existing manufactured home park or subdivision shall have the lowest floor elevated two feet above the highest adjacent grade.</p> <p>(2) All manufactured homes within an existing manufactured home park or subdivision shall be elevated such that the underside of the floor of the manufactured home is three feet above the finish grade.</p>   |
| A1-30, AH and AE  | <p>(1) All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE, (i) on sites outside of a manufactured home park or subdivision, (ii) on sites in a new manufactured home park or subdivision, (iii) on sites in an expansion to an existing manufactured home park or subdivision, or (iv) on sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the underside of the floor of the manufactured home is elevated to a height of one foot above the base flood elevation.</p> <p>(2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park that are not subject to the provisions of LC 16.244(8)(d), paragraph (1) "Elevation of Manufactured Homes in Flood Zone A1-30, AH and AE" shall be elevated so that either (i) the underside of the floor of the manufactured home is one foot above the base flood level, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.</p> |
| <b>Flood Zone</b> | <b>Elevation of Recreational Vehicles</b>   |
| A1-30, AH and AE  | <p>Recreational vehicles shall (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) shall satisfy the permit requirements of LC 16.244(5) and the requirements for elevation of manufactured homes in zones A1-30, AH and AE and be anchored to prevent flotation, collapse, and lateral movement. "Ready for highway use" means that the recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.</p>  |
| <b>Flood Zone</b> | <b>Enclosed Areas</b>   |

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| Unnumbered A      | <p>Fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:</p> <ul style="list-style-type: none"> <li>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</li> <li>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</li> <li>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</li> </ul>                               |
| A1-30, AH and AE  | <p>For residential construction, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces in exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:</p> <ul style="list-style-type: none"> <li>(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.</li> <li>(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other.</li> <li>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.</li> </ul> |
| <b>Flood Zone</b> | <b>Roads</b>   |
| Unnumbered A      | Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.   |
| A1-30, AH and AE  | <ul style="list-style-type: none"> <li>(1) Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.</li> <li>(2) No road surface of any new street, road or access road shall be at an elevation less than one foot below the base flood height.</li> </ul>  |
| <b>Flood Zone</b> | <b>Subdivisions and Partitions</b>   |
| Unnumbered A      | <ul style="list-style-type: none"> <li>(1) All subdivision proposals shall be consistent with the need to minimize flood damage;</li> <li>(2) All subdivision proposals shall have public utilities and facilities</li> </ul>  |

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|------------------|---|
|                  | <p>such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;</p> <p>(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and</p> <p>(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).</p>  |
| A1-30, AH and AE | <p>(1) All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage.</p> <p>(2) All subdivision proposals shall have adequate drainage to reduce exposure to flood damage, including returning water.</p> <p>(3) 100-year flood elevation data shall be provided and shown on final partition maps and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat.</p> <p>(4) A permanent monument shall be established and maintained on land partitioned or subdivided showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat.</p> <p>(5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.</p> |

(9) Emergency Permits. The Director may issue an emergency permit orally or in writing:

(a) If issued orally, a written permit shall follow within five days confirming the issuance and setting forth the conditions of operation.

(b) Emergency permits may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.

(c) A representative of Lane County may inspect the project site to verify that an emergency condition exists and that the emergency action will not significantly impact water resources.

(d) Emergency permits shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.

(e) The emergency permit shall be circulated for public information within 10 days of issuance.

(f) The Director shall condition emergency permits to protect and conserve the waters of this County.

(10) Variance Procedures.

(a) Scope. Variance to a requirement standard or procedure of this section, with respect to the provisions for flood hazard reduction, may be approved by the Director if an application is submitted, reviewed and approved pursuant to the criteria for approving variances in LC 16.256, and the application complies with the additional criteria listed below.

(i) Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.



(ii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions. Reasonable conditions may be established in connection with a variance as deemed necessary to secure the purpose and requirements of this section. In cases where a variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant, that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation of flood-proofing. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 3-91, 5.17.91; 2-98, 4.8.98; 1-07, 3.23.07; 14-08, 11.5.14)*

## **COMMERCIAL AIRPORT SAFETY COMBINING ZONE (/CAS-RCP) RURAL COMPREHENSIVE PLAN**

### **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.

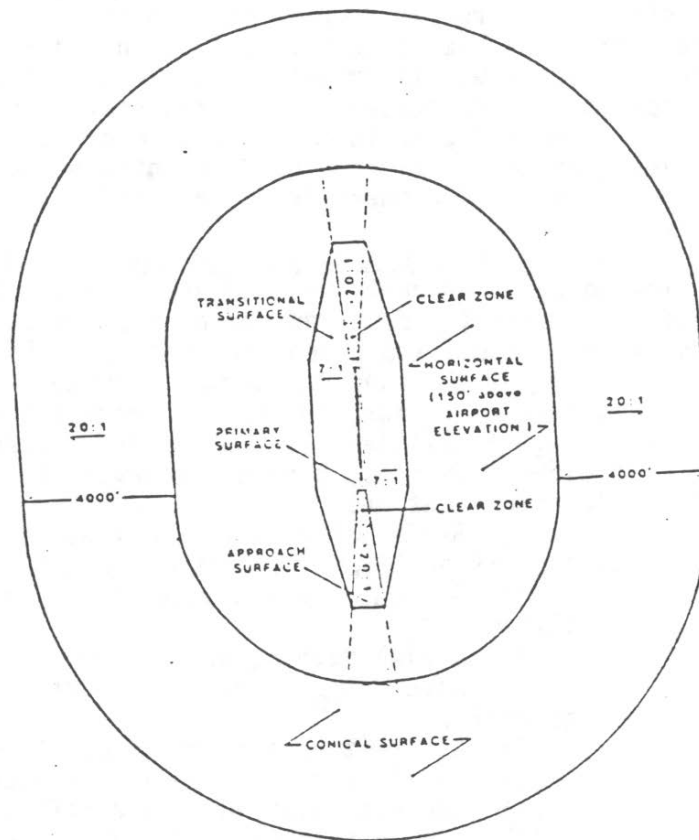
(i) The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of prepared runway surfaces. The width of the Primary Surface for each runway is the same as the width of the inner portion of the Approach Surface for that runway.

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 prior submittal and approval of an application pursuant to ~~LC 14.050 and approval of the application by the Hearings Official pursuant to LC 14.300~~ Type III procedures of LC Chapter 14. 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)*

## **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:

and the ornamental fence, wall or hedge between the “R” Zone and the parking lot shall be six feet in height.

(5) Height.

(a) Height limits established for the various zones 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.

(b) On lots sloping downhill from the street, buildings may have an additional story; provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.

(6) General Building Setback Requirements.

(a) Side Yard.

(i) 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 Zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

(ii) Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height.

(7) General Lot Area and Width Requirements.

(a) The site area requirements of Chapter 16 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the E-RCP, F-1, RCP and F-2, RCP Zones, where use of preexisting parcels is provided for in a different manner.

(b) The minimum area requirements of Chapter 16 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by State law, State rules and regulations, the provisions of this Code, or other County rules and ordinances.

(c) Refer also to LC 13.050 to 13.105 Design and Development Standards for other lot area, width and depth requirements which may be applicable. .  
(Revised by Ordinance 7-87, Effective 6.17.87; 6-10, 9.17.10)

## **NONCONFORMING USES RURAL COMPREHENSIVE PLAN**

### **16.251 Nonconforming Uses.**

Except as is hereinafter provided in this Chapter, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Chapter or at the time of a change in the official zoning maps may be continued although such use does not conform with the provisions of this Chapter.

(1) Verification of Nonconforming Use. The verification of a nonconforming use may be obtained subject to prior submittal of an application~~Director approval~~ pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~. Verification of a nonconforming use is required prior to requesting approval to increase, restore, alter or repair a nonconforming use. When evaluating a request for verification, the following criteria shall apply:

(a) To be valid, a nonconforming use must have been lawfully established prior to the enactment of an ordinance restricting or prohibiting the use.

(b) The use must have been in actual existence prior to the enactment of an ordinance restricting or prohibiting the use or have proceeded so far toward completion that a right to complete and maintain the use is deemed to have vested in the landowner.

(c) The nonuse of a nonconforming use of a structure or property for a period in excess of one year will prohibit the resumption of the nonconforming use. The burden of proof for the verification of a nonconforming use is upon the applicant.

(2) Change in Nonconforming Use. A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

(3) Increase of Nonconforming Use. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter may be granted subject to ~~Director approval pursuant to LC 14.100~~prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14.

(4) Vested Right. Nothing contained in this Chapter shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Chapter, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time construction was commenced.

(5) Discontinuance of Nonconforming Use. When a non-conforming use of a structure or property is discontinued for a period in excess of one year, the structure or property shall not thereafter be used, except in conformance with the zone in which it is located. (Revised by Ordinance 7-87, 6.17.87; 4-91, 5.17.91)

(6) Unlawful Use of a Nonconforming Use. No unlawful use of property existing at the time of passage of this Chapter shall be deemed a nonconforming use.

(7) Restoration of Nonconforming Building or Structure.

(a) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed; provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion and verification of the nonconforming use has been obtained.

(b) The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.

(8) Conveyance of Nonconforming Use. Nothing in this Chapter shall be construed to limit the sale, transfer, other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer or other conveyance does not otherwise violate the provisions of this Chapter.

(9) Restoration of Conforming Use on Nonconforming Lot. Nothing in this Chapter shall be construed to prevent the reconstruction or replacement of a preexisting building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Chapter.

(10) Repairs of a Nonconforming Use. Repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to ~~Director prior submittal and approval~~ of an application pursuant to ~~LC 14.100~~Type II procedures of LC Chapter

**14** and consistent with the intent of ORS 215.130(5-8) and shall be evaluated pursuant to criteria expressed in LC 16.251(12) below.

(11) Alterations of a Nonconforming Use. Alterations of a nonconforming use may be permitted to continue the use in a reasonable manner subject to ~~Director prior~~ submittal and approval of an application pursuant to ~~LC 14.100-Type II procedures of LC Chapter 14~~ and consistent with the intent of ORS 215.130(9), and be evaluated pursuant to criteria expressed in LC 16.251(12) below. Alteration of any such use must be permitted when necessary to comply with any lawful requirement for alteration in the use.

(12) Criteria for Decision. When evaluating a proposal for increase, restoration, alteration or repair, the following criteria shall apply:

(a) The change in the use will be of no greater adverse impact to the neighborhood.

(b) The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood.

(c) Other provisions of this Chapter, such as property development standards, are met.

(13) Conditions of Approval. In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:

(a) Special yards and spaces.  
(b) Fences and walls.  
(c) Special parking and/or loading provisions.  
(d) Street dedication and improvements or bonds in lieu of improvements.

(e) Control of points of vehicular ingress and egress.

(f) Special provisions for signs.

(g) Landscaping and the maintenance of grounds.

(h) Control of noise, vibration, odors or other similar nuisances.

(i) Limitation of time for certain activities.

(j) A time period in which a proposed use shall be developed.

(k) A limit of total duration of use. *(Revised by Ordinance 7-87, Effective 6.17.87; 4-91, 5.17.91; 14-08, 11.5.14)*

## **PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO REQUIREMENTS RURAL COMPREHENSIVE PLAN**

### **16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.**

(1) Purpose. As the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be required. Such Amendments shall be made in accordance with the procedures of this section.

(2) Criteria. Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission.



Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.

(3) Initiation/Application.

(a) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board as provided in LC 16.252(3)(b) below.

(b) By Board. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board in the form of a request to the Planning Commission that it consider the proposed zoning, rezoning or amendment.

(c) By Applicant. Application for the zoning or rezoning of properties may be made by any person ~~as provided in LC 14.050~~according to Type III procedures of LC Chapter 14.

(4) Moratorium on Permits and Applications -- Legislative Matters.

(a) After any matter for zoning, rezoning or amendment to this chapter affecting particular property has received tentative action by the Board, but has not yet become final and effective, no Zoning, Land Division or Building Code Application or request shall be accepted, granted, issued or approved, except as herein provided.

(b) After such final action, granting of subsequent Applications or requests shall be in accordance with the requirements of the zoning classification or requirements as amended by the final action.

(c) The provisions of this subsection shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing zoning requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map or subdivision plat.

(5) Planning Commission Public Hearing and Notice -- Legislative Matters.

(a) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.

(b) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.

(c) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 16.252(2) above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board accordingly that the proposal be adopted or rejected. The Planning Commission and Board may hold one concurrent hearing.

(6) Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to ~~LC 14.300~~Type III procedures of LC Chapter 14.

(7) Action by the Board.

(a) Unless the Board and Planning Commission hold a concurrent hearing, upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 16.252(6) above, the Board shall schedule a public

hearing as provided in LC 16.252(7)(b) below. The Board may schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.

(b) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board may first refer the proposed alteration or modification to the Planning Commission or Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

(8) Conditional Approval. The approving authority may impose reasonable conditions if the application is approved to be completed within one year.

(9) Official Zoning Map.

(a) The location and boundaries of the various zones established by this chapter shall be shown and delineated on maps covering portions of the County. These maps, upon their final adoption, shall be known as the Official Zoning Map.

(b) The Zoning Map shall be established by ordinance. Subsequent amendments to the Official Zoning Maps, either for establishing zoning for previously unzoned property or for rezoning may be made by Ordinance or Order of the Hearing Authority in accordance with the provisions of LC 16.014, LC 16.015, and this section.

(10) Error in Legal Description. Notwithstanding any other provision in this chapter, where the sole basis for a zoning or rezoning, whether initiated by Application, the Planning Commission or the Board, is an error in a legal description in the Ordinance or Order zoning or intended to zone the property, the zoning or rezoning shall be referred to the Planning Director for investigation and a report. After such investigation and report, the zoning or rezoning shall be considered in accordance with the procedures for hearings provided in LC 16.252(5) and (6) above. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-08, 7.11.08; 6-10, 9.17.10)*

## **STREAM RIPARIAN REGULATIONS RURAL COMPREHENSIVE/METRO PLAN**

### **16.253 Riparian Regulations.**

(1) Purpose. The purpose of the Riparian Regulations is to implement the Goal 5 Flora and Fauna policies and the Goal 6 Water Resources policies of the Lane County Rural Comprehensive Plan and the Goal 5 riparian policies of the Eugene-Springfield Metropolitan Area General Plan.

(2) Removal of Vegetation Within the Riparian Setback Area. The following standards shall apply to the maintenance, removal, destruction and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan. For purposes of LC 16.253(2)(b)(i) and (iii) below, Resource Zones shall be: LC 16.210 (F-1); LC 16.211 (F-2); LC 16.212 (EFU); LC 16.213 (NR); LC 16.214 (ML); LC 16.215 (PR); LC 16.216 (QM); LC 16.227 (IWC); and LC 16.232 (DR). For purposes of LC 16.253(2)(b)(i) and (iii) below, Nonresource Zones shall be: LC 16.219 (PF); LC 16.220 (C-1); LC 16.221 (C-2); LC 16.222 (C-3); LC 16.223 (C-R); LC 16.224 (M-1); LC 16.225 (M-2); LC 16.226 (M-3); LC 16.229 (RA); LC 16.230 (RG); LC 16.231 (RR); LC 16.290 (RR); LC 16.291 (RC); LC 16.292 (RI); LC 16.294 (RPF); and LC 16.295 (RPR).



(a) A minimum of seventy-five percent (75%) of the total area within the riparian setback area of any legal lot shall remain in an unaltered, indigenous state except as provided in LC 16.253(2)(b)(i) and LC 16.253(5)(b) below; and

(b) Removal of existing vegetation from within the riparian setback area of any legal lot shall not exceed the shoreline linear frontage and square footage limitations calculated as follows:

(i) The maximum allowable removal for any legal lot having frontage of 200 feet or less in length along a Class I stream shall not exceed 50 linear feet along the shoreline and an area not greater than 2,500 square feet within the riparian setback area of a Nonresource Zone, or 5,000 square feet within the riparian setback area of a Resource Zone.

(ii) The maximum allowable removal for any legal lot having frontage of more than 200 feet but less than 400 feet in length along a Class I stream shall not exceed 25 percent of the total linear footage along the shoreline, and an area not greater than 25 percent of the total square footage of the entire area within the riparian setback area.

(iii) The maximum allowable removal for any legal lot having frontage 400 feet or greater in length along a Class I stream shall not exceed 100 linear feet along the shoreline of the Class I stream and an area not greater than 5,000 square feet within the riparian setback area of a Nonresource Zone, or 10,000 square feet within the riparian setback area of a Resource Zone. Removal of indigenous vegetation from within the riparian setback area in excess of 100 linear feet and the square footage of the applicable zone designation, to provide water access for a water-dependent use or to allow selective thinning of indigenous vegetation to provide viewsapes, may occur subject to compliance with LC 16.253(5)(a)(i) below, prior to removal.

(iv) Removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to allow riparian enhancement projects designed to improve or diversify habitat of designated areas within the riparian setback area may occur subject to compliance with LC 16.253(5)(b) below, prior to removal.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(2)(a) or (b) above, without prior Planning Director approval shall require compliance with the provisions of LC 16.253(4) and LC 16.253(5)(c) below, and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(2) above.

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(2) above and (3) below.

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the Soil and Water Conservation District (SWCD) after consultation with the Oregon Department of Fish and Wildlife.

(vi) In areas that are regulated for aquatic species by the federal Endangered Species Act, construction, maintenance, preservation, repair and replacement of road and ancillary facilities, including bridges, culverts, drainage improvements,

embankments, retaining walls, revetments, rip-rap and other slope stabilization structures, conducted under the jurisdiction of Lane County, the Oregon Department of Transportation, or Federal Transportation Authorities, when such activity is a public improvement project within a public right-of-way, or within an area being used for the public improvement project including access easements, areas used for construction staging, areas for storage of materials and temporary detours, and further provided that such work is conducted in compliance with the following:

(aa) In the absence of Routine Road Maintenance Best Management Practices (BMP's) pursuant to Section 4(d) of the Endangered Species Act for Limit 10 of take prohibition specifically developed and recognized by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for Lane County, routine road maintenance is conducted in accordance with the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (BMP's) as published in the Federal Register; or

(bb) Road work other than routine maintenance is conducted in accordance with the Reasonable and Prudent Measures (RPM's) prescribed in the current "Programmatic Biological Opinion and Magnuson - Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Regulatory and Operational Activities Carried out by the Department of the Army Permits in Oregon;" or

(cc) The road work is conducted in compliance with the requirements described in a site specific Biological Opinion of the National Marine Fisheries Service; or

(dd) Such work is conducted in compliance with other final rules published in the Federal Register, consultation decision or conference decision by the National Marine Fisheries Service, the United States Fish and Wildlife Service, or a successor agency pursuant to the Endangered Species Act.

(3) Modifications. A modification to the applicable riparian setback standard for a structure may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted and approved pursuant to ~~LC 14.050 and approved by the Planning Director pursuant to the requirements of LC 14.100 with~~ Type II procedures of LC Chapter 14 and subject to findings of compliance addressing the following criteria:

(a) The location of a structure within the riparian setback area shall not result in the removal or the alteration of vegetation within the riparian setback area in excess of the standards of LC 16.253(2) above. For purposes of LC 16.253, altered means to eliminate, significantly reduce or interrupt the natural growth cycle of indigenous vegetation by removal or destruction of the vegetation caused by a person; and

(b) The riparian vegetation does not actually extend all the way into the riparian setback area to the location of the proposed structure. This determination shall include consideration of any evidence of riparian vegetation existing prior to any removal of indigenous vegetation before or during the application review period; or

(c) It can be demonstrated that an unduly restrictive burden would be placed on the property owner if the structure was not allowed to be located within the riparian setback area.

(4) Restoration of Indigenous Vegetation Within the Riparian Setback Area. Any removal or destruction of indigenous vegetation within the riparian setback area in excess of the provisions of LC 16.253(2) without an approved Riparian Setback Area Alteration Plan shall require an application for a Preliminary Investigation pursuant to LC

16.253(4)(a)-(c) below. Potential impacts identified in LC 16.253(4)(a) below, shall be addressed and/or mitigated through the review, approval and implementation of a Riparian Setback Area Restoration Plan pursuant to LC 16.253(5)(c) below.

(a) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal, alteration or destruction and the potential impacts of the removal in excess of the standards of LC 16.253(2) above. For the purposes of LC 16.253(2) and (4) above, potential adverse impacts shall include the removal or destruction of vegetation in whole or part, which is detrimental to the functions identified in LC 16.253(4)(a)(i)-(iv) below. This investigation shall identify the approval criteria which must be addressed by the property owner in the Riparian Setback Area Restoration Plan pursuant to LC 16.253(5)(c) below and shall include identification of the removed, altered or destroyed indigenous vegetation in excess of the standards of LC 16.253(2)(a) and (b) above, serving one or more of the following functions:

- (i) Shading of Class I streams.
- (ii) Stabilization of a stream bank or shoreline.
- (iii) Habitat for sensitive aquatic or terrestrial wildlife species.
- (iv) Habitat for rare, endangered or threatened species.

(b) Notification of Preliminary Investigation Determination. The planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at the appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the riparian setback area, the area of removal in excess of the standard in LC 16.253(2) above, and shall set forth the determination of the potential adverse impacts identified in LC 16.253(4)(a) above.

(c) Fees for a Preliminary Investigation. To partly defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(5) Riparian Setback Area Alteration Plan Submittal. An application for approval of a Riparian Setback Area Alteration Plan as required by LC 16.253(2)(b) or (c) above, shall be submitted pursuant to one of the following applicable classifications and procedures.

(a) Riparian Setback Area Development Plan. The person proposing the development or removal in excess of the linear and square footage standard of LC 16.253(2)(b)(iii) above, shall submit a Riparian Setback Area Development Plan to the Planning Director pursuant to **Type II procedures of LC Chapter 14, ~~LC 14.050~~**, which sufficiently identifies the location, nature and scope of the proposed development or removal of vegetation in excess of the provisions of LC 16.253(2)(b)(iii) above, prior to removal. The Riparian Setback Area Development Plan shall establish compliance with LC 16.253(2)(a) above and the following approval criteria:

(i) Vegetation removal or thinning in excess of the standard of LC 16.253(2)(b)(iii) above, shall be limited in scope to accommodate the approved Riparian Setback Area Development Plan only and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g) below;

(ii) The proposed development or removal shall not have a substantial adverse impact on significant wildlife habitat;

(iii) The proposed development or removal shall not have a substantial adverse impact on stream bank or shoreline stabilization; and

(iv) The removal or alteration of indigenous vegetation from within the riparian setback area of a legal lot shall not exceed 25 percent of the total square

footage of the entire riparian setback area and 25 percent of the total linear footage along the shoreline of a Class I stream.

(b) Riparian Setback Area Enhancement Plan. The person proposing the removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to enhance the riparian setback area by replanting with indigenous vegetation, shall submit a Riparian Setback Area Enhancement Plan to the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~, which sufficiently identifies the location, nature and scope of the proposed enhancement of indigenous vegetation within the riparian setback area. The Riparian Setback Area Enhancement plan shall establish compliance with the following approval criteria:

(i) Vegetation removal or thinning in excess of LC 16.253(2)(a) and (b) above shall be limited in scope to accommodate the approved Riparian Setback Area Enhancement Plan only and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g) below;

(ii) The proposed alteration and enhancement activities shall provide for the diversification of the indigenous vegetation; and

(iii) The proposed alteration and enhancement activities shall maintain stream bank and shoreline stability.

(c) Riparian Setback Area Restoration Plan. Where required by the Preliminary Investigation, the property owner and the person responsible for removal or destruction of vegetation from within the riparian setback area in excess of the provisions of LC 16.253(2) above shall submit a Riparian Setback Area Restoration Plan to the Planning Director pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~, which includes a complete inventory of the previously existing indigenous vegetation which was removed or destroyed. The vegetation inventory shall identify previous plant community locations and the maturity and densities of the previously existing plant species. The submitted Riparian Setback Area Restoration Plan shall provide a recovery and restoration planting schedule to include successional plantings, seasonal maintenance, and other management activities that provide for the recovery of the removed or destroyed indigenous vegetation. An approved Riparian Setback Area Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g), below:

(i) Restoration of the riparian setback area shall comply with the indigenous vegetation maintenance, removal and replacement standards established in LC 16.253(2)(b) above;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation required Pursuant to LC 16.253(4)(a), above; and

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation required pursuant to LC 16.253(4)(a) above.

(d) Riparian Setback Area Plan Receipt and Referral. Upon receipt and acceptance of the applicable Riparian Setback Area Alteration Plan described in LC 16.253(5)(a), (b) or (c) above, the Planning Director shall refer a copy of the Riparian Setback Area Alteration Plan to the ODF&W for review.

(e) ODF&W Review. Within 10 working days of submittal of the Riparian Setback Alteration Plan to the Planning Director as required in LC 16.253(5)(d) above, the property owner shall provide evidence of consultation with ODF&W. Review of the Riparian Setback Area Alteration Plan and any recommendations by ODF&W to

the Planning Director shall be consistent with the provisions of OAR 635-405 (May 1991) and OAR 635-415 (November 1991). Any recommendation from ODF&W addressing the proposed Riparian Setback Area Alteration Plan shall be in writing.

(f) Director Action. The Director may approve the Riparian Setback Area Alteration Plan if there are adequate findings of fact supporting compliance with LC 16.253(2) above and the applicable approval criteria for the proposed Riparian Setback Area Alteration Plan. The Director may impose conditions of approval to assure continued compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to ~~LC 14.100~~ Type II notice of decision procedures of LC Chapter 14.

(g) Conditions of Approval. Reasonable conditions may be placed upon the approval of a Riparian Setback Area Alteration Plan to mitigate impacts and to assure continued compliance with the protection standards as set forth in the Riparian Setback Area Alteration Plan approved under LC 16.253(5)(f) above. Vegetation removed or destroyed in excess of LC 16.253(2) above shall be replaced or restored and maintained within the next replanting season following the removal or alternation. Required subsequent maintenance and successional plantings shall be identified in the Riparian Setback Area Alteration Plan approved by the Planning Director. Conditions may include but are not limited to the following:

(i) The property owner may be required to enter into a performance agreement to pay all costs associated with implementing the Riparian Setback Area Alteration Plan.

(ii) The Planning Director may require the property owner to record notice of the requirements of the Riparian Setback Area Alteration Plan and performance agreements in the Lane County Deed Records.

(iii) All restored or replaced vegetation plantings within the riparian setback area shall be of an indigenous species as identified in the list of indigenous plant species associated with riparian areas adopted by Board Order and incorporated in Lane Manual.

(6) Metro Area Riparian Setback Regulations. For property located west of Interstate 5 between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene Urban Growth Boundary and east of Interstate 5, outside the Springfield Urban Growth Boundary but within the area previously covered under the Eugene-Springfield Metropolitan Area General Plan prior to the enactment of Ordinance No. PA 1281, the following riparian setback regulations shall apply:

(a) Setback Area. The riparian setback area shall be as follows:

(i) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs), as designated for riparian vegetation protections by the Eugene-Springfield Metropolitan Area General Plan on January 1, 2012, the riparian corridor boundary shall be 75 feet upland from the top of each bank.

(ii) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, as designated for riparian vegetation protection by the Eugene-Springfield Metropolitan Area General Plan on January 1, 2012, the riparian corridor boundary shall be 50 feet from the top of bank.

(iii) In areas where the top of each bank is not clearly defined, or where the predominant terrain consists of steep cliffs, the provisions of OAR 660-023-0030 shall apply, rather than the provisions of this section.

(b) Removal of Vegetation Within the Riparian Setback Area. The standards of LC 16.253(2) above, shall apply to the maintenance, removal, destruction and replacement of indigenous vegetation within the riparian setback area along streams designated for riparian vegetation protection by the Eugene-Springfield Metropolitan



Area General Plan on January 1, 2012. The permanent alteration of the riparian area by grading or by 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:

- (i) Streets, roads, and paths;
- (ii) Drainage facilities, utilities, and irrigation pumps;
- (iii) Water-related and water-dependent uses; and
- (iv) Replacement of existing structures with structures in the same

location that do not disturb additional riparian surface area.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(6)(b) above, without prior Planning Director approval, shall require compliance with the provisions of LC 16.253(4) and LC 16.253(5)(c) above, and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(6) above.

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(6)(b) above.

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the Soil and Water Conservation District (SWCD) after consultation with the Oregon Department of Fish and Wildlife.

(vi) Removal of non-native vegetation and replacement with native plant species;

(vii) Removal of vegetation necessary for the development of water-related or water-dependent uses.

(ix) Permanent alteration of the riparian area by the placement of structures or impervious surfaces upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

(e) Modifications. A modification to the applicable riparian setback standard in LC 16.253(6)(a) for a structure may be allowed provided the ODFW is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted and approved pursuant to ~~LC 14.050 and approved by the Planning Director pursuant to the requirements of LC 14.100-Type II procedures of LC Chapter 14~~ with findings of compliance addressing the following criteria:

(i) It can be demonstrated that the property was incorrectly identified as meeting the criteria of LC 16.253(6)(a)(i)&(ii), above.

(ii) It can be demonstrated that the lot or parcel has been rendered not developable for the primary use allowed in the base zone, by application of the riparian setback standards of LC 16.253(6)(a) to a lot or parcel that was lawfully created prior to the adoption of LC 16.253(6)(a). Approval of development under this provision must meet the following standards:

(aa) Due to topography, parcel size or configuration, or significant resource limitations, all options for development outside of the setback area are physically impracticable.

(bb) All development shall be located to the greatest degree practicable outside of the riparian setback area. The request shall be the minimum necessary to render the property developable.

(cc) The modification is not the result of a self-created hardship. After the date of adoption of LC 16.253(6), the reconfiguration of a lot or parcel as a result of a lot or property line adjustment, in whole or part within the riparian setback area, shall be determined to be a self-created hardship by the creator and subsequent property owners.

(dd) Mitigation measures shall be taken to minimize to the greatest degree practicable any impact to habitat units or habitat values of the setback area by development actions in the setback area.

(ee) Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary may be authorized upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. *(Revised by Ordinance No. 10-92, Effective 11.12.92; 5-96, 11.29.96; 1-97, 4.4.97; 10-04, 6.4.04; 5-04, 7.1.04; 2-12, 7.4.13)*

Lane Code  
CHAPTER 16 CONTENTS

GREENWAY DEVELOPMENT PERMIT RURAL COMPREHENSIVE PLAN

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**GREENWAY DEVELOPMENT PERMIT  
RURAL COMPREHENSIVE PLAN**

**16.254 Greenway Development Permit.**

(1) Purpose. To establish Greenway Development procedures for certain land use activities as required by the Statewide Willamette River Greenway Goal and the Lane County Willamette River Greenway Plan.

(2) Definitions. For the purposes of this section, except as otherwise provided below, the definitions provided in LC 16.090 and the Goal adopted by the Oregon Land Conservation and Development Commission shall be used:

(a) Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the U. S. Army Corps of Engineers.

(b) Ordinary Low Water. The low watermark of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high waterline.

(c) 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 waterborne transportation, recreation, energy production or source of water.

(d) Water Related Use. 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 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 or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

(e) Greenway Development Permit; Permit. A permit authorized pursuant to this section or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinance Nos. 4-76 and 11-76.

(f) Change of Use. Making a different use of the land or water than that which existed on December 5, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 5, 1975. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of

existing improvements shall not be considered a change of use for the purposes of this section.

(g) Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

(h) Develop. 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 of access.

(i) Development. To act, process or result of developing.

(j) Boundaries. The boundaries for the Willamette River Greenway are those adopted by the Land Conservation and Development Commission in 1977, together with any changes when and as approved by LCDC.

(3) Uses and Activities Subject to Greenway Development Permits. Greenway Development Permits shall be required for new intensifications, change of use or developments allowed in applicable zones, including public improvements and including partitions and subdivisions as defined in LC 13.020, which are proposed for lands within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission, except as provided below:

(a) Customary dredging and channel maintenance conducted under permit from the State of Oregon.

(b) Seasonal increases in gravel operations as provided under permit from the State of Oregon.

(c) The placing by a public agency of signs, markers, aids, etc. to serve the public.

(d) Activities to protect, conserve, enhance and maintain public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands shall require review as provided by this section.

(e) Erosion control operations required in emergency situations for the safety and protection of property.

(f) Construction or use of a building other than a dwelling whether or not within 150 feet of the ordinary low waterline when the building is customarily provided in conjunction with a farm use; provided the structure does not exceed 12 feet in height nor exists for longer than six months.

(g) Farm use.

(h) Reasonable emergency procedures necessary for the safety or protection of property.

(i) Maintenance and repair usual and necessary for the continuance of an existing use. Landscaping, construction of driveways, modification of existing structures or facilities adjacent to a residence as are usual and necessary to such use and enjoyment.

(j) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use.

(k) Irrigation pumps and water intakes and other utility lines in conjunction with an agricultural use.

(l) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the

Greenway Development Permit approval requirements of 16.254(4) below and notification requirements of LC 16.254(7) below.

- (i) Planned Unit Developments, as provided in 10.700.
- (ii) Unzoned Area Development Permits, as provided in LC 9.700.

(4) Greenway Development Permit Approval. A decision to approve a Greenway Development Permit shall require findings that the proposed intensification, change of use or development conforms to the following criteria, and setback requirements:

(a) Criteria.

(i) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space shall be provided between the activity and the river and the development provides for the reestablishment of vegetative cover where it will be significantly removed during the process of land development.

(ii) Public access to and along the river either is not necessary or the necessary access will be provided by appropriate legal means.

(iii) Preserve and maintain land inventoried as "agriculture" in the adopted Willamette River Greenway Plan for farm use, as provided for in Goal 3 and minimize interference with the long-term capacity of lands for farm use.

(iv) Protect, conserve or preserve significant scenic areas, viewpoints and vistas.

(v) Harvest timber in a manner that wildlife habitat, riparian and other significant vegetation and the natural scenic qualities of the Greenway will be preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

(vi) Minimize vandalism and trespass.

(vii) Locate development away from the river to the greatest possible degree.

(viii) Protect significant fish, wildlife habitat and natural areas.

(ix) Is compatible with the Willamette River Greenway based upon the following considerations:

(aa) A development which is a mining or a mineral extraction and/or processing operation must include mining or extraction and/or processing methods which are designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation.

(bb) Protection, preservation, rehabilitation, reconstruction or restoration of significant historic and archeological resources.

(cc) Preserve areas of annual flooding, floodplains and wetlands.

(dd) Protection, conservation or preservation of areas along the alluvial bottomlands and lands with severe soil limitations from intensive development.

(ee) Consideration of the impacts from consumptive uses of water (i.e., domestic, agriculture, industrial) and non-consumptive uses (i.e., recreation and natural resources) in efforts of maintaining sufficient flows to support water users.

(ff) Sustenance and enhancement of water quality by managing or controlling sources of water pollution from uses, such as domestic and

industrial wastes, agricultural and timber runoff, septic tank seepage, gravel operations and other intermittent sources.

(gg) Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife; protect natural areas; anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass; and to control pollution sources to the river.

(hh) Protection from erosion.

(ii) Protection and conservation of lands designated as aggregate resources within the adopted Willamette Greenway Plan.

(b) Setback Requirement; Exceptions. New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, Except for a water related or water dependent use.

(5) Conditions. Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (a) Special yards and spaces.
- (b) Fences and walls.
- (c) Special off street parking and loading requirements.
- (d) Street and road dedications and improvements (or bonds).
- (e) Control of points of vehicular ingress and egress.
- (f) Special provisions on signs.
- (g) Landscaping and maintenance thereof.
- (h) Maintenance of grounds.
- (i) Control of noise vibration, odors or other similar nuisances.
- (j) A time period within which the proposed use shall be developed.
- (k) A limit on total duration of use.
- (l) Control of scale, bulk and coverage of proposal.

(6) Application and Review Procedure. Application for a Greenway Development Permit shall be made ~~as provided by LC 14.050 and reviewed by the Director as provided by LC 14.100~~ pursuant to the Type II procedures of LC Chapter 14.

(7) Additional Notice. Immediate notice of an application shall be given the State Department of Transportation by certified mail, return receipt requested, and provision shall be made to provide notice to any individual or group requesting notice in writing. Notice of the action taken by Lane County on an application shall be furnished by regular mail to the State Department of Transportation.

(8) Conflicting Provisions. In the case of any conflict between the provisions of this section and other provisions in Lane Code, the more restrictive provisions shall apply.

(9) Nonauthority for Public Use of Private Property. Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

(10) Nonconforming Uses. Except as modified in this section, LC 16.251(1) to (8) shall apply to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 16.254(2)(f) and (g) above of a nonconforming use shall be prohibited unless a Greenway Development Permit is issued for it. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96)*

**TEMPORARY PERMITS  
RURAL COMPREHENSIVE PLAN**

**16.255 Temporary Permits.**

(1) Purpose. The purpose of the Temporary Permit procedure is to allow on an interim basis:

(a) Temporary uses in undeveloped areas of the County not otherwise allowable in the applicable zone.

(b) Use of existing structures designed and intended for a use not allowable in a zone and not otherwise a nonconforming use, and

(c) Erection of Temporary structures for activities necessary for the general welfare of an area; provided such uses and activities are consistent with the intent of this chapter.

No Temporary Permit can be granted which would have the effect of permanently rezoning and granting a special privilege not shared by other property in the same zone.

(2) Allowable Temporary Uses, Criteria and Limitations.

(a) The following are allowable Temporary Uses and may be permitted in any zone, subject to the following criteria and limitations:

(i) A different use for existing structures or structures and premises in a combination which are occupied or have been occupied by a nonconforming use; provided it is determined by the Hearings Official that the character and nature of the proposed use will be less incompatible to the surrounding vicinity than the existing or previous nonconforming use.

(ii) Use of existing structures and premises which are designed and intended for a use which is not allowable in the applicable zone and new structures and premises and use thereof necessary for the physical and economic welfare of an area; provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use and new structure, if applicable:

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

(bb) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(iii) Open land uses which do not involve structures with a combined value in excess of \$1,000; provided it is determined by the Hearings Official that the location, size, design and operating characteristics of the proposed use:

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

(bb) Will not be adversely affected by the development of abutting properties and the surrounding vicinity.

(b) In applying the criteria for allowable temporary uses provided in LC 16.255(2)(a)(i) and(ii) above, 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.

(c) No structural alterations may be made to a nonconforming structure to be utilized by a temporary use which would materially prolong the economic life of the structure.

(d) Where new structures and use thereof and new open land uses are permitted, the premises shall be required to be restored to the prior state within three months of the termination of the permit. A performance bond shall be required, if determined necessary by the Hearings Official, at the time of approval in sufficient amount to cover the estimated cost such restoration.

(e) Temporary Permits for any one permit shall be approved for a maximum of five years.

(3) Conditions. Reasonable conditions may be imposed in this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (a) Special yards and spaces.
- (b) Fences and walls.
- (c) Control of points of vehicular ingress and egress.
- (d) Special provisions on signs.
- (e) Landscaping and maintenance thereof.
- (f) Maintenance of the grounds.
- (g) Control of noise, vibrations, odors or other similar nuisances.
- (h) Limitation of time for certain activities.
- (i) A time period within which the proposed use shall be developed.
- (j) A limit on total duration of use.

(4) Application. Application for a Temporary Permit shall be made ~~as provided by LC 14.050~~ pursuant to Type III application requirements of LC Chapter 14.

(5) Review Procedure. Applications for Temporary Permits shall be reviewed by the Hearings Official pursuant to Type III procedures of LC Chapter 14 ~~LC 14.300~~.  
(Revised by Ordinance No. 7-87, Effective 6.17.87)

## **VARIANCES RURAL COMPREHENSIVE PLAN**

### **16.256 Variances.**

(1) Scope. Variances to a requirement of this chapter with respect to dimensions, setback, yard uses, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be approved by the Planning Director if:

(a) An application is submitted pursuant to Type II application requirements of LC Chapter 14 ~~LC 14.050~~.

(b) The application is reviewed pursuant to Type II procedures of LC Chapter 14 ~~LC 14.100~~.

(c) The application complies with the criteria of LC 16.256(2) below.

(2) Criteria.

(a) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zones in the area.



(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Rural Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(f) The variance would not have the effect of rezoning and granting a special privilege not shared by other property in the same zone. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## **SITE REVIEW PROCEDURES RURAL COMPREHENSIVE PLAN**

### **16.257 Site Review Procedures.**

(1) Purpose. It is the purpose of this section to establish a Site Review Permit procedure for specified uses or applications requiring comprehensive review of proposed site development in order to encourage the most appropriate development of the site compatible with the neighborhood, to prevent undue traffic and pedestrian hazards or congestion, to reduce adverse impacts upon public facilities and services, and to provide a healthful, stable, efficient and pleasant on-site environment.

(2) Site Review Permits Required. A Site Review Permit shall be required when:

(a) Nonresidential uses, except those customarily provided in conjunction with farm uses, are proposed for properties where the proposed uses and/or structures are within 200 feet of the boundaries of an RR-RCP; RA-RCP; R-2-RCP; RG-RCP or RP-RCP zone.

(b) Incidental to conditional approval to rezone as provided in this chapter.

(c) Incidental to any Zoning or Rezoning Application approval when it is determined by the Board, Planning Commission or Hearings Official that a Site Review Permit would be necessary to ensure that such approval would be consistent with the intent and purposes of this chapter.

(d) Incidental to an expansion of a nonconforming use of land and structures as permitted in this chapter.

(e) Superseded provisions of this chapter for property zoned with an Architectural Control ("X") suffix require approval of initial plans, or approval of a modification of or addition to approved plans.

(f) A zone in this chapter specifically requires a Site Review Permit for uses permitted outright or conditionally in said zone.

(i) Any properties requiring a Site Review Permit pursuant to LC 16.257(2)(c) above shall be designated "SR" in the amending ordinance or order, on a map attached as an exhibit to the ordinance or order, and on the Zoning Map, as applicable.

(ii) No Building Permit shall be issued until a Site Review Permit has been obtained as required by this section. Further, said Building Permit can be issued only for development as approved according to the Site Review Permit requirements.

(3) Site Review Permits Not Required. It is not necessary to require a Site Review Permit when:

(a) The proposed uses or improvements are for a residential use or a use customarily provided in conjunction with a farm use.

(b) A Conditional Use Permit or Special Use Permit is required for the proposed uses or improvements.

(c) The proposed uses or improvements are located at least 200 feet from all exterior boundaries of the subject property.

(d) The proposed improvement is a sign for a use permitted by the parent zone and such sign is not illuminated, does not occupy more than 100 square feet in sign surface area on one side, is of no greater height than the primary buildings on the same property, and is not within the structural setback area designated by LC Chapters 10 and 15.

(e) When the proposed use or improvement is a minor addition to an existing commercial or industrial use or improvement where the minor addition does not exceed 25 percent of the area of the existing use and will not be closer to a property line than the closest portion of the existing structures meeting legal setbacks required by the appropriate zone. For purposes of this section, the area of the existing use shall be calculated by including all improvements, on-site private drives and outside areas which are a part of the use (such as off street parking and loading areas and outside storage areas.)

(f) The proposed use is a transportation facility or use listed in LC 16.265(3)(a) through (m).

(4) Criteria for Site Review Evaluation. The following minimum criteria should be considered in evaluating Site Review Applications:

(a) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposal intent and are compatible with the surrounding vicinity.

(b) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

(c) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(d) That suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(e) That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(f) That, based on anticipated traffic generation, adequate additional right-of-way, road improvements, and on-site vehicular, bicycle and pedestrian improvements connecting directly to off-site roads, paths and sidewalks must be provided by the development in order to promote traffic safety and reduce traffic congestion.

(i) Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional improvements as lighting, sidewalks, bicycle lane and path connections, and turn and deceleration/acceleration lanes. Improvements shall be consistent with access management, spacing standards, and other requirements of LC Chapter 15.

(g) That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with



respect to the location and dimensions of vehicular, bicycle, and pedestrian entrances, exists, drives, walkways, buildings and other related facilities.

(h) That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities and their surfacing, lighting and landscaping.

(i) That all signs and illumination are in scale and harmonious with the site and area.

(j) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements, etc. that are required by Site Review Permit.

(5) Conditions. Reasonable conditions may be established in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this section. Guarantees, evidence, dedications or bonding may be required to ensure that such conditions will be met.

(6) Application. Application for a Site Review shall be made ~~as provided by LC 14.050~~ pursuant to Type II application requirements of LC Chapter 14.

(7) Review Procedure. Applications for Site Reviews shall be reviewed by the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~. (Revised by Ordinance No. 7-87, Effective 6.17.87; 10-04, 6.4.04; 7-12, 12.28.12)

## **CLEAR LAKE WATERSHED PROTECTION ZONE (CLWP-RCP)**

### **16.258 Clear Lake Watershed Protection Zone (CLWP-RCP).**

(1) Purpose. The Clear Lake Watershed has been recognized as an area deserving protection in order to maintain high water quality in Clear Lake as a domestic water supply source. The Oregon Environmental Quality Commission has adopted regulations to protect the water quality of Clear Lake. The Clear Lake Watershed is made up of properties, a substantial majority of which are in private ownership. The general purpose of the Clear Lake Watershed Protection Zone is to protect the quality of the Watershed, and at the same time, protect the rights of private property owners to make reasonable use of their land. The specific purposes of the Clear Lake Watershed Protection Zone are:

(a) To protect the aquifer and surface waters (the Lakes) of the Clear Lake Watershed;

(b) To help achieve the water quality standards set-forth in OAR 340-41-270 and to ensure that all uses within the Clear Lake Watershed are consistent with the objective of achieving these water quality standards; and

(c) To provide clear and objective development standards necessary to meet water quality standards and avoid land use litigation.

(2) Applicability and Definitions.

(a) The Clear Lake Watershed Protection Zone (CLWP-RCP) shall be applied to those parcels or portions of parcels, and all subdivision lots located in whole or in part within the Clear Lake Watershed as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(b) Terms, phrases and words shall be construed as specified in LC 16.090 except, as used in this section only, the following words and phrases shall have

the meaning ascribed below and shall supercede definitions otherwise provided in this Code unless the context clearly indicates a contrary meaning:

Drainage. Water from precipitation, surface or subterranean water from any source, but not sewage.

Farming or Farm Use. The act of farming, as defined in ORS 215.203(2).

Forestland. Land designated as forest land in the Lane County Rural Comprehensive Plan, excluding subdivision lots.

Forest Operations. All activities related to forest management including, but not limited to: harvesting, forestry-related road construction and maintenance, site preparation for reforestation, tree planting, application of insecticides, herbicides, rodenticides, fertilizers or other chemical substances, slash disposal and pre-commercial thinning.

Lakes. Clear Lake and Collard Lake located in western Lane County, Oregon.

Legal Lot. A unit of land created by a subdivision or partition of land in compliance with all applicable planning, zoning and partitioning ordinances and regulations, or by deed or land sale contract if there were no applicable planning, zoning or partitioning ordinances or regulations at the time of such creation.

Parcel. Any legal lot or parcel that is not a subdivided lot or subdivision lot as set forth below.

Removal/Remove. The act of mechanically or manually disrupting or dislodging the root structure of vegetation, in a manner that will result in the death of the vegetation. Removal does not in any context include normal harvesting, trimming or pruning of vegetation which does not cause the death of the vegetation.

Riparian Area/Riparian Setback. The area shoreward and parallel to the ordinary high-water mark of the Lakes. For parcels, the setback area shall be 100 feet in width; for subdivision lots, the setback area shall be 50 feet in width.

Sewage. A combination of water-carried human, animal or industrial waste. While it may include some drainage, it is substantially septic in its characteristics.

Sewage Disposal System. Any device or system used in the collection, transport, storage, treatment, recycling, and reclamation of sewage, including, but not limited to tanks, pipelines, drain fields, pumps, lagoons and treatment plants, chemical treatments and maintenance practices.

Subdivided Lot/Subdivision Lot. Any legal lot totally or partially within the Collard Lake portion of the Watershed, located in the following subdivisions: Mercer Lake Heights; Mercer Lake Heights, 1st Addition except Lot 28; Mercer Lake Heights, 2nd Addition; Collard Lake Heights; Collard Lake Heights, 1st Addition; Collard Lake Acres.

Tract. One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

Watershed. A geographic area within the boundary generally described as the drainage basin for the Lakes from the top of the basin ridge of the Lakes, and including the land and water within the area as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(3) Permitted Uses. The following structures and uses are permitted, without notice and opportunity to appeal, as hereinafter specifically provided for by this section.

(a) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicating the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights; and

(dd) A heating system.

(iii) For purposes of this section, the “same site” is defined as wholly or partially within a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Maintenance, repair, additions to or replacement of any existing improvements including, but not limited to, roadways, footpaths, structures (except dwellings set forth in LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a)) and open space.

(c) Harvesting of wild crops.

(d) Non-commercial recreation.

(e) Shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins.

(f) Forest operations and forest practices.

(g) Farming located on a parcel when the farming is more than 300 feet measured horizontally from the ordinary high water mark of the Lakes.

(h) Nonresidential or agricultural buildings in conjunction with uses allowed in LC 16.258.

(i) Local distribution lines (e.g., electric, telephone, natural gas, water) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals, water lines, pumps), or equipment which provides service hookups, including water service hookups.

(j) On subdivision lots:

(i) Residential homes as defined in ORS 197.660, in existing dwellings.

(ii) Bed and breakfast accommodations.

(iii) A guest house.

(k) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(4) Permitted Uses Subject to Objective Standards. The following structures and uses are permitted, without notice or opportunity to appeal, subject to the objective

standards outlined in LC 16.258(7) and (8) below, which provide assurance that the use is consistent with the protection of water quality and natural values specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the boundaries of the CLWP-RCP zoning district.

(a) A single-family dwelling and accessory structures in conjunction with such use on a legal lot or parcel; provided, however, that dwellings and accessory structures sited on tax lots 200, 300 and 301, Lane County Assessor's map no. 18-12-12, are subject to the following additional requirements, as may be applicable:

(i) The dwelling or structure is sited on a tract containing at least 160 contiguous acres; or

(ii) The dwelling or structure is sited on a tract containing at least 200 acres in one ownership containing parcels that are not contiguous but located in Lane County or an adjacent county and zoned for forest use; and

(iii) the owner of two or more parcels required to meet the minimum acreage requirements of LC 16.258(4)(a)(i) or (ii) above shall submit proof that nonrevocable deed restrictions in the form attached as Appendix "B" have been recorded in the county deed records which shall contain covenants, conditions and restrictions that:

(aa) Shall be irrevocable, unless a statement of release is signed by the Director;

(bb) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(cc) Shall, together with a map or other record depicting any tracts which do not qualify for a dwelling under the recorded deed restrictions, be maintained in the Department records and be readily accessible to the public.

(iv) The failure to follow the requirements of LC 16.258(4)(a)(iii) above relating to the recording of the deed restrictions shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is the subject of the covenants, conditions and restrictions required by this subsection.

(b) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is not located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicate that the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(c) Water intake facilities, related filtration, treatment and/or transmission facilities, pumping stations and distribution lines owned and operated in conjunction with a public or private domestic water supply system, as may be applicable.

(5) Discretionary Uses Subject to Director Approval. The following uses may be allowed ~~provided a land use application is submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to LC 14.100~~subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, upon the determination that the standards contained in this section and LC 16.258(7) and (8), as may be applicable, have been satisfied which will provide assurance that the use is consistent with standards adopted for the protection of water quality and natural values as specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the CLWP-RCP zoning district.

(a) Alteration, restoration or replacement of a lawfully established dwelling that complies with the following requirements:

(i) The dwelling was lawfully established on the subject property, and the applicant has provided sufficient evidence, other than the evidence required in LC 16.258(3)(a)(i), that the dwelling was lawfully established.

(ii) The dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Home occupations under the following conditions:

(i) The home occupation will be operated by a resident or employee of a resident of the property on which the business is located;

(ii) The home occupation will employ on the site no more than five full or part-time persons;

(iii) The home occupation will be operated substantially in the dwelling or in a structure normally associated with uses permitted in LC 16.258. Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation, unless such structure is a verified nonconforming use under LC 16.251(1)(a) through (c);

(iv) The home occupation will not unreasonably interfere with other uses permitted in LC 16.258 and will comply with any additional conditions of approval;

(v) The home occupation remains and operates in compliance with LC 16.258(5)(b) and with the conditions upon which approval of the home occupation was granted.

(c) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands or similar areas of unique value, and the vegetation and wildlife supported by such waters, artificial stream bank, shoreline stabilization or lake level maintenance (e.g. dams) adjacent to the Lakes, and stabilization necessary to protect lawful structures; provided, however, that such activities shall not

endanger water quality, and surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(d) One temporary mobile home in conjunction with an existing dwelling or mobile home subject to compliance with the following conditions:

(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.

(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.

(iii) Satisfactory evidence of the family member's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the family member's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.

(iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(viii) Within three months of the end of the hardship, the temporary mobile home shall be removed from the property or demolished. A temporary mobile home approved under LC 16.258(5)(d) shall not be eligible for replacement under LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a) above.

(e) Parks, playgrounds and community centers on subdivision lots, provided:

(i) The proposed use will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in LC 16.258; and

(ii) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.

(f) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(6) Prohibited Uses. Except as allowed in LC 16.258(3)(e) and LC 16.258(5)(c) above, the following uses and activities are specifically prohibited:

(a) Fill or extraction in the Lakes.

(b) Fill or extraction in freshwater marsh areas located below the ordinary high water mark of the Lakes.

(c) Development within a riparian area, except for:

(i) Pedestrian paths not to exceed five feet in width;

(ii) Access to launch sites on the Lakes not to exceed 15 feet in width;

(iii) Maintenance of existing roadways, footpaths, and open space;

(iv) Maintenance, repairs, additions to or replacement of any existing structures or improvements; and

(v) Vegetation removal consistent with LC 16.258(11).



(vi) Necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration, distribution and/or transmission facilities.

(d) Application of petroleum products on graveled surfaces, except as used as preparation for an asphalt concrete or like surface.

(e) Using or storing materials within the Watershed in a manner that poses a significant threat to water quality in the Lakes.

(f) Constructing or installing in the Lakes any structure, including but not limited to, shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins, with materials that pose a significant threat to water quality in the Lakes, such as railroad ties treated with creosote or other materials treated with hazardous substances on a list published by DEQ.

(g) Engaging in an activity or allowing a situation to exist on property within the Watershed which will cause erosion resulting in sediments and materials being deposited in the Lakes which pose a significant threat to water quality in the Lakes. The owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the property or a construction project on the property which will cause erosion prohibited by LC 16.258(6)(g) shall take precautions to prevent that erosion during the permitted activity and thereafter. Such precautions may include, but are not limited to:

(i) Temporary or permanent soil stabilization structures or practices, or both;

(ii) Temporary or permanent sediment control devices or both;

(iii) Avoiding unnecessary excavation and removal of indigenous vegetation; and

(iv) Replacement of removed vegetation within 60 days following completion of the construction activity

(7) Objective Standards for Structures. A plot plan shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(a) No structure other than a fence or sign shall be located closer than 20 feet from the right-of-way of a state, county or local public access road specified in LC Chapter 15.

(b) No structure other than a fence or sign shall be located closer than 10 feet to an adjoining property line, except that for any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the structural setback for property lines other than front-yard shall be five feet.

(c) Cornices, canopies and eaves may extend two feet into any required setback area.

(d) All roofed structures regulated by the Oregon Structural Specialty Code or Oregon Residential Specialty Code shall have Class A or B roofing as defined by the code and each chimney shall be equipped with a spark arrestor.

(e) New dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be sited to provide fuel breaks as required by LC 16.258(12) on land surrounding the dwelling that is owned or controlled by the owner.

(8) Objective Development Standards for Dwellings.

(a) Applicant Responsibility A plot plan and any necessary supporting documentation shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(i) Fire Suppression Water Supplies. Dwellings and habitable structures shall be located within a fire protection district or shall be provided with residential fire protection by contract with the nearest district. If the dwelling or habitable structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impractical, an adequate fire suppression system meeting the requirements of LC 16.258(12)(c) shall be provided.

(ii) Domestic Water Supply. Each new dwelling on forestland shall have a domestic water supply from a source authorized in accordance with the Water Resources Department administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). Evidence of domestic water supply shall include:

(aa) Verification from a water purveyor that the dwelling will be served by the purveyor under the purveyor's rights to appropriate water; or

(bb) A water use permit issued by the Water Resources Department for the dwelling; or

(cc) Verification from the Water Resources Department that a water use permit is not required for the dwelling. If the water supply is from a well and is exempt from permitting requirements under ORS 537.545, the well constructor's report shall be submitted to the county upon completion of the well.

(iii) Connection to Public Sewage Disposal System. Each new dwelling on a subdivision lot shall connect to a public sewage disposal system where such system is legally and physically available. In the event that a public sewage disposal system is not legally or physically available, the owner shall sign and record in county deed records an irrevocable petition and agreement binding upon the owner, and successors in interest, agreeing to connect to a public sewage disposal system when it does become legally and physically available as required by LC 16.258(8)(b)(viii).

(iv) Drain Field Location. Any new sewage disposal drain field installed on a parcel shall be located outside the Watershed or at least 100 feet measured horizontally from the ordinary high water mark of the Lakes.

(v) Tree Stocking. The owner of each new dwelling on forestland shall establish a sufficient number of trees on the tract to meet the minimum stocking requirements of the Forest Practices Act. The following requirements will apply:

(aa) The owner shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;

(bb) The Planning Director shall notify the county assessor of the stocking requirement;

(cc) If the lot is more than 10 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

(dd) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land



designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(vi) Forest Practices Declaration. The owner of each new dwelling on forest land shall provide evidence of a document signed and recorded in the county deed records binding the owner, and the owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) Certified Engineer's, Architect's or Geologist's Report. A plot plan or statement, as may be applicable, shall be submitted by an engineer, architect, or geologist licensed by the State of Oregon, as may be applicable, with necessary detail showing compliance with the following standards:

(i) Runoff from any proposed impervious structure shall not be discharged off site over the surface of the lot or parcel. For the purposes of this paragraph, "structure" shall include that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land, including a building, dwelling, mobile home, manufactured home and accessories, and above ground gas or liquid storage tanks. Roadways, driveways, walks and pedestrian paths shall not be considered structures for purposes of this paragraph.

(ii) Dwellings shall be restricted to slopes of less than 40 percent

(iii) Where dune forms exist, certification that the development shall result in the least topographical modification to the site as practicable.

(iv) For development proposed on a dune land form, a determination identifying the type of land form involved and whether compressible subsurface areas exist on the development site. If compressible subsurface areas exist on the development site, foundations shall be engineered.

(v) Where dune forms exist, sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the LM 10.056 and 10.060.

(vi) If the proposal for development includes the construction of new roads or driveways within the boundaries of the CLWP-RCP Zoning District, a determination that the construction of the new road or driveway will not have an adverse impact on any of the following:

(aa) Water quality;

(bb) Identified hazards associated with activities on the development site or presented by conditions on adjacent sites;

(cc) Historical or archaeological sites as identified in the Lane County Rural Comprehensive Plan;

(dd) Critical fish or wildlife habitat as identified in the Lane County Coastal Inventory;

(ee) Adjacent areas of geologic instability, if any, which have a direct impact on water quality or on shoreline stability;

(ff) Existing Class I streams on the legal lot or parcel;

(gg) Areas of significant shoreland and wetland biological habitat composed of freshwater marshes located below the ordinary high water mark of the Lakes and areas included in the Lane County Coastal Inventory as significant natural areas, or other areas which the Lane County Board of Commissioners may deem significant natural areas based on newly adopted inventory information.

(vii) Fire Safety Design Standards for Roads. Notwithstanding LC Chapter 15, construction of roads and driveways within the Watershed providing access to dwellings shall comply with the standards of this section. In the event the standards of

LC Chapter 15 and this section are inconsistent, the standards of this section shall take precedence.

(aa) Definitions. As used herein, “road” means a way of access providing, or proposed to provide, access for more than three dwellings, and “driveway” means a way of access providing access, or proposed to provide access, for three dwellings or less.

(bb) Existing Roads and Driveways.

(i-i) For the purposes of limiting reconstruction of existing roads and driveways and thereby minimizing potential erosion within the Watershed, a road or driveway existing as of the date of adoption and application of these provisions to the property on which the road is located, including a road or driveway from which a new road or driveway extension is proposed, shall not be considered a new road or driveway.

(ii-ii) Use of existing roads and driveways for access to new development shall be made where practicable.

(cc) Location and Design. To the extent practicable, new access roads and driveways shall be located and designed to minimize sediment entering the Lakes by minimizing:

(i-i) the length between the public road and the dwelling site;

(ii-ii) the removal of indigenous vegetation in forested areas;

(iii-iii) the disturbance of the natural topography; and

(iv-iv) the number of crossings over drainage courses including streams.

(dd) Methods of Compliance - Fire Design Standards. New roads and driveways shall be designed and constructed at the minimum width necessary to accommodate fire suppression vehicles. Applicants may establish compliance with this standard by obtaining written verification of compliance from the agency providing fire protection, or applicants may include in the plot plan or statement required by LC 16.258(8)(b) information showing that the following minimum standards have been addressed:

(i-i) Road Dimensions. New roads shall have an unobstructed travel surface width of at least 15 feet; or, if the new road has vehicle passage turnouts 20 feet in length and eight feet in width at intervals of not less than 400 feet, the new road may have an unobstructed travel surface of at least 10 feet,

(ii-ii) Driveway Dimensions. New driveways shall have an unobstructed travel surface width of at least 10 feet.

(iii-iii) Road and Driveway Surfaces. New roads and driveways shall be constructed with travel surfaces with a gravel depth of not less than six inches.

(iv-iv) Additional Road and Driveway Standards. New roads and driveways shall have an additional unobstructed clearance area one foot along each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet, 6 inches.

(v-v) Hammerhead Turnarounds. Any new private, dead-end road or driveway more than 500 feet in length shall include a hammerhead turnaround at the home site, and an additional hammerhead turnaround at the entry to the property if the home site is located more than 400 feet from the entry to the property. Hammerheads shall have an improved surface with a minimum turning radius of 20 feet,

an overall depth of at least 60 feet, and a width of at least 20 feet. Hammerheads on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches.

(vi-vi) Bridges and Culverts. New bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 15 foot road width surface or a minimum 10 foot driveway surface. Railway flat bed cars of narrower widths are acceptable for short bridges on private roads and driveways with written verification from an engineer licensed in the State of Oregon attesting that the railway car has sufficient strength to maintain a minimum gross weight of 50,000 lbs.

(vii-vii) Road and Driveway Grades. Road and driveway travel surface grades shall not exceed 16 % (percent) except for short distances when topographic conditions make compliance impractical.

(ee ) Identification. Roads shall be named and addressed in compliance with LC 15.305 -15.335.

(viii) Access Easement and Petition. All owners proposing development on a subdivision lot, subject to the standards in LC 16.258(7) and (8), shall execute the following documents which shall be recorded in the official deed records of Lane County:

(aa) An irrevocable petition consenting to the construction of a public sewage disposal system to serve the subdivision lot and agreeing to connect thereto when such system becomes legally and physically available at the same cost as that charged to other similarly situated subdivision lot owners; and

(bb) A perpetual easement providing access to any public drainage or sewage disposal system constructed on the legal lot for purposes of insuring drainage disposal and sewage treatment and disposal consistent with the regulations of local and state agencies concerned with sewage treatment and disposal, and water quality in the Lakes. This easement shall be given to the local governmental unit providing drainage or sanitary sewer service, as may be applicable, and shall allow the employees and agents of the grantee to perform their official duties regarding the inspection, operation and maintenance of such facilities.

(9) Site Investigation Reports (SIR). If any of the factors listed in LC 16.258(8)(b)(vi)(aa-gg) above are identified and exist where they will be adversely impacted by the road or driveway:

(a) A Site Investigation Report (SIR) is required. The form and content of the SIR is as specified by LM 10.060. The SIR is designed to provide in-depth information concerning hazards and potential adverse impacts associated with the proposed road or driveway and to suggest methods for minimizing or mitigating the impacts.

(b) Preparation of a SIR, if required under the provisions of LC 16.258(9)(a), is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(c) The SIR shall be prepared by a qualified person or team of persons having expertise and familiarity with the area. The applicant shall choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, based on standards approved by the Board of County Commissioners.

(d) Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development of the road

or driveway for the purpose of minimizing or mitigating hazards or adverse impacts and preserving the water quality of the Lakes.

(e) An applicant may appeal the determination of, or the imposition of conditions based on the SIR, in the manner for such appeal as provided by LC 14.~~500080~~  
except for LC 14.080(1)(a).

(10) Area. The minimum area requirement for the division of land is 80 acres, except as follows:

(a) A division of forestland, as designated in the Lane County Rural Comprehensive Plan, to facilitate a forest practice as defined in ORS 527.620 may be allowed to create a parcel containing less than 80 acres, provided findings demonstrating that there are unique property specific characteristics present in the proposed parcels that require an amount of land smaller than 80 acres in order to conduct the forest practice and the following requirements are met:

(i) The new parcels shall not be eligible for siting an additional dwelling;

(ii) The parcels shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iii) The parcels shall not, as a result of the land division, be used to justify the redesignation or rezoning of resource lands;

(iv) The parcels shall not contain less than 35 acres except:

(aa) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency, or;

(bb) Where the purpose of the land division is to allow transactions in which at least one person is a person with cumulative ownership of at least 2,000 acres of forestland; and

(v) If associated with the creation of a parcel where a dwelling is involved, the parcel where the dwelling is involved shall not contain less than 80 acres.

(b) A parcel may be created for an existing dwelling on land designated forestland in the Lane County Rural Comprehensive Plan, subject to the following requirements:

(i) The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall be no larger than 10 acres;

(ii) The dwelling must be lawfully existing since prior to June 1, 1995.

(iii) The remaining parcel not containing a dwelling must contain 80 acres, or, the remaining parcel not containing the dwelling, must be consolidated with another parcel, and together the parcels must contain 80 acres;

(iv) The remaining parcel not containing a dwelling is not entitled to a new dwelling unless subsequently authorized by law or goal;

(v) The landowner shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded in the official deed records of Lane County. The restriction shall allow no new dwellings unless authorized by law or goal on lands zoned for forest use. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to state-wide planning goals pertaining to agricultural land or forestland. The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(vi) The landowner shall complete and record a Forest Management Agreement in the Lane County deed records, recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules and declaring that the owner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(c) For those lands that are subdivided lots, the minimum area requirement for the division of land is one acre.

(d) For those lands that qualify for marginal land zoning under ORS 197.247 (1991 Edition), the minimum area required for the division of land is:

(i) Ten acres if the lot or parcel is not adjacent to land zoned for exclusive farm use or forest use, or if it is adjacent to such land, the adjacent land qualifies for designation as marginal land under ORS 197.247 (1991 Edition).

(ii) Twenty acres if the lot or parcel is adjacent to land zoned for forest use or exclusive farm use and that adjacent land does not qualify for designation as marginal land under ORS 197.247 (1991 Edition).

(11) Restoration of Vegetation Within Riparian Areas. Except as allowed by LC 16.258(11)(a) below, a permit to remove vegetation, or if a permit is required due to unauthorized removal of vegetation, within the riparian area, shall require an application by the owner of the property, or other person responsible, for a Preliminary Investigation. Potential impacts identified in LC 16.258(11)(b) shall be addressed and/or mitigated through the review, approval and implementation of a Restoration Plan pursuant to LC 16.258(11)(b) below.

(a) Exemption. No permit under this section shall be required for removal of vegetation:

(i) Associated with the construction of a pedestrian path not to exceed five (5) feet in width, access to launch sites on the Lakes not to exceed fifteen (15) feet in width, maintenance of existing roadways, footpaths and open space, maintenance, repair, addition to or replacement of any existing structures or improvements and necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration and/or transmission facilities.

(ii) That poses a safety or health hazard, such as a danger tree.

(b) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal and the potential impacts of the removal to water quality in the Lakes. For the purpose of this section, potential adverse impacts shall include the removal of vegetation in whole or in part, which poses a significant threat to the functions identified in this subsection. This investigation shall identify the approval criteria which must be addressed by the property owner in the Restoration Plan pursuant to LC 16.258(11)(c) below, and shall include identification of the removed vegetation serving one or more of the following functions:

(i) Shading of the Lakes;

(ii) Stabilization of a stream bank or shoreline;

(iii) Habitat for sensitive aquatic or terrestrial wildlife species;

(iv) Habitat for rare, endangered or threatened species;

(v) Water quality of the Lakes.

(c) Restoration Plan. Where required by the Preliminary Investigation, the person responsible for removing the vegetation shall submit a Restoration Plan to the Director pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~, which includes a complete inventory of the vegetation which was removed or is proposed for removal. The vegetation inventory shall identify previous and existing plant community locations and the maturity and densities of previously existing or current plant species. An approved



Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Director in accordance with LC 16.258(11)(d) below:

(i) Restoration of the riparian area shall provide a recovery and restoration planting schedule to include successional planting, seasonal maintenance, and other management activities that provide for the complete recovery of vegetation;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation;

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation; and

(iv) Mitigation of any other condition resulting from the removal of vegetation from the riparian area identified as having a significant adverse affect upon water quality in the Lakes.

(d) Director's Action.

(i) The Director may approve the Preliminary Investigation and Restoration Plan if there are adequate findings of fact supporting mitigation of the adverse impacts and the applicable approval criteria for the proposed Restoration Plan. The Director may impose conditions of approval necessary for compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to Type II procedures of LC Chapter 14~~LC 14.100~~.

(ii) Reasonable conditions may be placed upon the permit and the approval of a Restoration Plan to mitigate impacts and to provide for continued compliance with the protection standards as set forth in the Restoration Plan approved under LC 16.258(11)(d)(i) above. Unless otherwise approved, implementation of the plan must commence within 60 days of the Director's approval of the Restoration Plan. Required subsequent maintenance and successional plantings shall be identified in the Restoration Plan approved by the Director. Conditions may include, but are not limited to, the following:

(aa) The person responsible may be required to enter into a performance agreement to pay all costs associated with implementing the Restoration Plan.

(bb) The Director may require the person responsible to record notice of the requirements of the Restoration Plan and performance agreements in the Lane County Deed Records.

(cc) To partially defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fee shall be as established by Order of the Board of County Commissioners.

(iii) The Director shall notify the applicant of the determination of the Preliminary Investigation and the requirements of a Restoration Plan, if any, by mail within 10 days of completion of the Preliminary Investigation.

(iv) As provided in LC 14.080, ~~except for LC 14.080(1)(a)500~~, an applicant may appeal the determination of the Preliminary Investigation.

(12) Fuel Breaks and Fire Suppression. No indigenous vegetation shall be removed from the riparian area around the Lakes for the purpose of complying with the secondary fuel break requirements of this section because the Lakes are bodies of water which mitigate the shoreward fire hazard. Fuel breaks around new dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be established and maintained as follows:

(a) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot by application of the following standards:

(i) Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height).

(ii) Individual or small groups of trees should be spaced with at least 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches.

(iii) Accumulated leaves, needles, and other dead vegetation should be removed from beneath trees.

(iv) Nonflammable materials (e.g., rock), instead of flammable materials (e.g., bark mulch), should be placed next to the house.

(v) As slope increases, except in the riparian area, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table below:

**Size of the Primary Safety Zone by Percent Slope**

| % Slope | Feet of Primary<br>Safety Zone | Feet of Additional<br>Safety Zone Down Slope |
|---------|--------------------------------|--|
| 0       | 30                             | 0  |
| 10      | 30                             | 50   |
| 20      | 30                             | 75   |
| 25      | 30                             | 100  |
| 40      | 30                             | 150  |

(b) **Secondary Fuel Break.** The secondary fuel break is a fuel break located on the applicant's property extending a minimum of 100 feet in all directions around the primary safety zone. The secondary fuel break shall not apply in the riparian area. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced by application of the following standards:

(i) Individual or small groups of trees shall be spaced with at least fifteen (15) feet between the crowns, and pruned to remove dead and low (less than 8 feet) branches.

(ii) Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(c) **Fire Suppression Water Supply.** Unless otherwise authorized by the Planning Director, the minimum acceptable fire suppression water supply system for dwellings and habitable structures not provided with residential fire protection from a fire protection district shall include the following:

(i) 1,500 gallon water reservoir with a submersible 1 1/2 HP pump. Alternatives, such as road access to a water supply which meets or exceeds this requirement, may be allowed subject to review and approval by Land Management Division pursuant to LC 16.258(13), below;

(ii) a minimum of two, one-inch frost-free valve operated hydrants;

(iii) a minimum of two hose reels installed 50 to 75 feet from the dwelling foundation;

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- (iv) each hose reel shall contain a minimum of 100 feet of 1 inch diameter hose;
- (v) each hose shall have a 1/4 inch diameter nozzle;
- (vi) all hoses shall be rated for fire suppression systems;
- (vii) vehicle access to within 15' of the water reservoir or water supply for fire-fighting pumping units;
- (viii) the road access shall accommodate the turnaround of fire fighting equipment during the fire season; and
- (ix) permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(13) Verification of Compliance with Conditions of Approval. An application to verify compliance with conditions of land use approval, together with the required processing fees, shall be required for any dwelling requiring fuel breaks or a fire suppression system, any proposed use requiring a site investigation report under LC 16.258(9) above, or any Director's level or Hearing Official decision for which conditions of approval have been imposed. Prior to commencement of the use or the issuance of any occupancy permit for the dwelling, the conditions of approval must be met and verified by the Lane County Land Management Division. *(Revised by Ordinance No. 6-10, Effective 9.17.10)*



**LEGAL DESCRIPTION OF CLEAR LAKE WATERSHED**

Beginning at point known as Tank One, located in Section One, Township 18 South, Range 12 West, of the Willamette Meridian, Lane County Oregon;

Run thence S. 67° 50' 51.5" E. 97.8 ft. to the True Point of Beginning;  
Run thence S. 05° 40' 43.0" W. 1960.62 ft. to a point,  
Run thence S. 04° 58' 45.4" E. 1301.91 ft. to a point,  
Run thence S. 52° 44' 01.0" W. 231.21 ft. to a point,  
Run thence S. 15° 20' 45.4" E. 774.62 ft. to a point,  
Run thence S. 31° 44' 14.0" W. 520.89 ft. to a point,  
Run thence S. 00° 24' 43.9" W. 834.02 ft. to a point,  
Run thence S. 07° 49' 01.8" W. 1191.07 ft. to a point,  
Run thence S. 50° 26' 06.3" W. 73 1.61 ft. to a point,  
Run thence S. 02° 51' 10.5" W. 301.37 ft. to a point,  
Run thence S. 36° 37' 58.2" W. 918.41 ft. to a point,  
Run thence S. 47° 12' 26.3" W. 1321.86 ft. to a point,  
Run thence S. 72° 58' 54.2" W. 498.84 ft. to a point,  
Run thence S. 85° 44' 21.3" W. 955.64 ft. to a point,

Which is N. 11° 39' 16.9" W. 5434.90 ft. from a point known as Green Two (located in section 13 in said Township and Range);

Run thence N. 58° 09' 44.1" W. 1630.28 ft. to a point,  
Run thence N. 25° 23' 10.1" W. 1978.00 ft. to a point,  
Run thence N. 16° 34' 21.0" W. 1731.95 ft. to a point,  
Run thence N. 06° 13' 18.0" W. 747.40 ft. to a point,  
Run thence N. 03° 50' 32.8" E. 671.51 ft. to a point,  
Run thence N. 59° 33' 18.9" E. 1117.02 ft. to a point,  
Run thence N. 59° 50' 06.0" E. 1894.56 ft. to a point,  
Run thence N. 48° 28' 40.0" E. 897.56 ft. to a point,  
Run thence N. 31° 29' 50.7" E. 920.64 ft. to a point,  
Run thence N. 19° 46' 39.6" E. 1524.95 ft. to a point,  
Run thence S. 76° 05' 37.1" E. 748.95 ft. to a point,  
Run thence S. 57° 33' 30.2" E. 445.53 ft. to a point,  
Run thence S. 78° 27' 44.9" E. 394.98 ft. to a point,  
Run thence S. 61° 55' 39.0" E. 323;00 %. to a point,  
Run thence N. 89° 04' 46.8" E. 249.03 ft. to a point,  
Run thence S. 67° 43' 17.4" E. 245.31 ft. to a point,  
Run thence S. 79° 55' 09.8" E. 45.71 ft. to a point,  
Run thence S. 83° 59' 27.6" E. 95.52 ft. to a point,  
Run thence N. 42° 02' 57.2" E. 68.68 ft. to a point,  
Run thence S. 80° 41' 24.2" E. 61.81 ft. to a point,  
Run thence S. 10° 47' 03.5" E. 128.27 ft. to the True Point of Beginning.

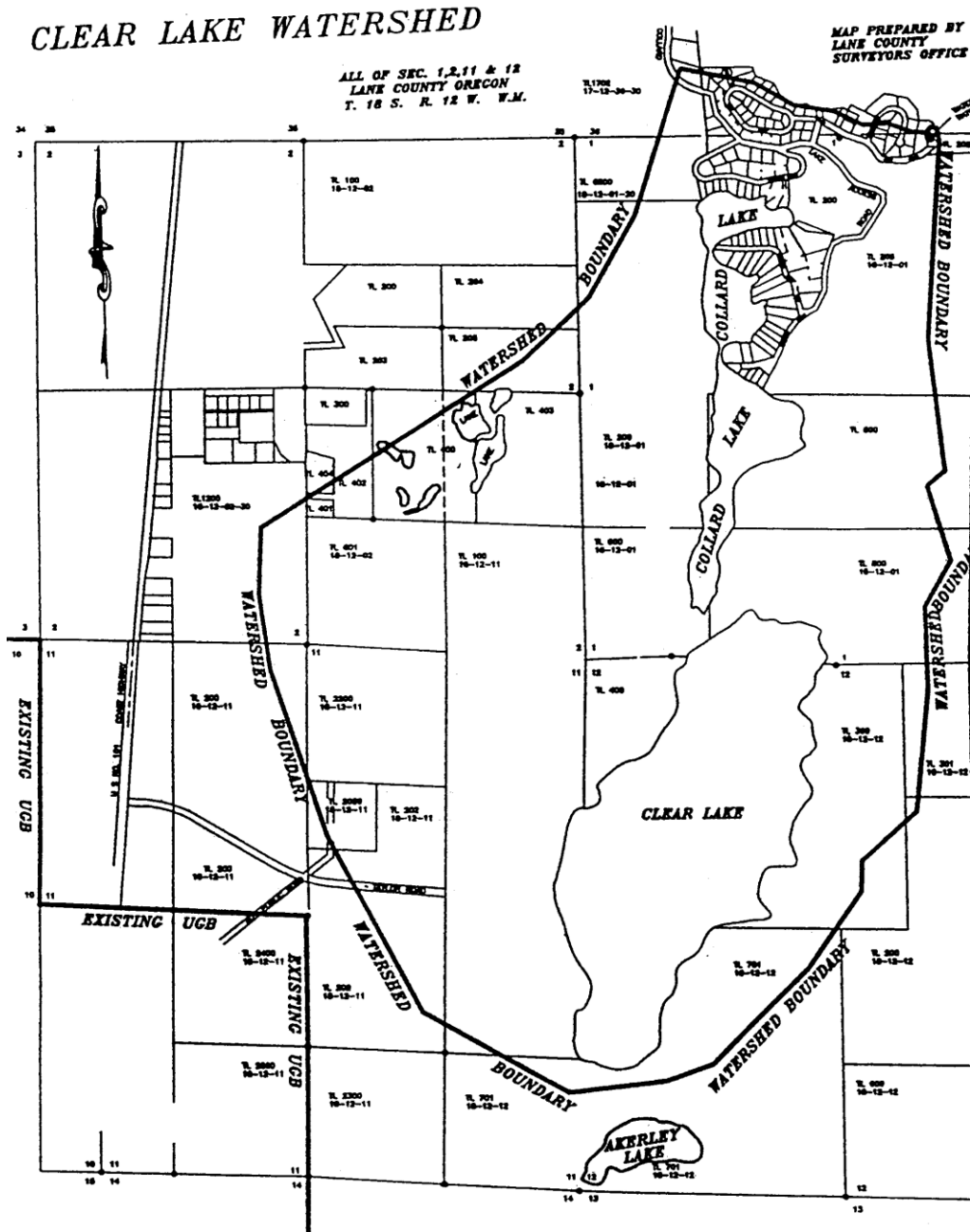
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At left margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
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FORMAT**

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**Declaration of Covenants, Conditions and Restrictions Form**

Whereas, the undersigned \_\_\_\_\_ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions: It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are locate executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

State of                    )  
County                    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

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Page 1

*(Revised by Ordinance No. 6-98, Effective 12.2.98; 10-04, 6.4.04)*

(10) Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93; 4-04, 12.23.04)*

## **ENFORCEMENT RURAL COMPREHENSIVE PLAN**

### **16.263 Failure to Comply.**

Failure to comply with any of the requirements of this chapter may be subject to an administrative civil penalty as provided by LC 5.017. Failure to comply with a condition of an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter may also be subject to an administrative civil penalty. Continued failure to comply with this chapter 10 days from the mailing of the notice of the failure to comply by registered or certified mail to the last known address of the alleged responsible person or after personal service, and continued failure to comply after an order has been entered constitutes a separate failure to comply for each day the occurrence continues. The Manager of the Lane County Land Management Division, Department of Public Works, or said Manager's duly authorized representatives, shall have the authority to issue a notice of failure to comply. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93)*

## **TELECOMMUNICATION TOWER STANDARDS RURAL COMPREHENSIVE PLAN**

### **16.264 Telecommunication Tower Standards.**

(1) Purpose. The provisions of this section are intended to ensure that telecommunication facilities are located, constructed, maintained and removed in a manner that:

- (a) Recognizes the public need for provision of telecommunication facilities;
- (b) Allows appropriate levels of service to be obtained throughout the County;
- (c) Minimizes the number of transmission towers throughout the County;
- (d) Encourages the collocation of telecommunication facilities; and
- (e) Ensures that all telecommunication facilities, including towers, antennas, and

ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the county. Nothing in this section shall preclude collocation opportunities nor adversely affect multiple use towers. Nothing in this section shall apply to amateur radio antennae, or facilities used exclusively for the transmission of television and radio signals.

(2) Definitions. As used in LC 16.264, the following words and phrases mean:

Ancillary facilities. The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennae. An electrical conductor or group of electrical conductors that transmit or receive radio signals, excluding amateur radio antennae.

Attachment. An antenna or other piece of related equipment affixed to a transmission tower.

Changeout. Reconstruction or replacement of existing collocations or transmission towers with similar equipment, in conformance with LC 16.264(3)(h) below.

Collocation. Placement of an antenna or related telecommunication equipment on an existing structure or building where the antennas and all supports are located on the existing structure or building.

Provider. A person in the business of designing and/or using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Telecommunication Facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, related telecommunication equipment, towers and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "telecommunication facilities."

Tract. A unit of land comprised of adjacent parcels and lots under the same ownership.

Transmission Tower. The structure, such as a monopole or lattice framework, designed to support transmitting and receiving antennae and related telecommunication equipment. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers."

(3) Standards applicable to all telecommunication facilities.

(a) Telecommunication facilities shall be limited to the height necessary to provide the service, not to exceed 200 feet in height from ground level.

(b) Based on the existing conditions and vegetation at the site, telecommunication facilities shall be designed and constructed to reduce visibility of the facilities. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.

(i) The transmission tower shall be surfaced in a non-reflective material that minimizes glare and is colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background.

(ii) The antenna, related telecommunication equipment and ancillary facilities shall be surfaced in non-reflective material to match the transmission tower. If not attached to a transmission tower, they shall be colored similar to the adjacent background.

(c) Consideration shall be given to other sites and equipment that would have less visual impact than those proposed. The applicant shall demonstrate that less intrusive sites and equipment are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.

(d) No lighting of telecommunication facilities is allowed, except as required by the Federal Aviation Administration, Oregon Department of Aviation or other federal or state agencies. Required lighting shall be shielded from the ground to the extent it does not violate state or federal requirements.

(e) Equipment areas shall be enclosed by a chain link fence or equivalent.

(f) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.

(g) Maintenance and repair of a lawfully existing telecommunication facility does not require a land use application approval.

(h) Changeouts. The changeout of an existing transmission tower or collocation does not require a land use application when the following criteria apply:

(i) The new equipment does not increase the tower height or base diameter.

(ii) No new lights are proposed unless required by the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).

(iii) The new equipment does not increase the number of antennas or external transmitters. Existing antennas and external transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters.

(iv) The replacement antennas or external transmitters shall not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.

(v) The new equipment shall have a similar exterior color as the existing equipment.

(i) Within a forest zone, the following standards shall apply:

(i) A fuel break shall extend 50 feet surrounding ancillary facilities containing new or replacement propane or gas powered generating equipment. Except for trees, vegetation within the fuel break shall be maintained at less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet above ground) branches. Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.

(ii) Private roads and driveways that provide access to new or replacement transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).

(j) Notice. In lieu of the notice area in LC 14.~~060(4)(a)100(4) and 14.300(3)(d)~~, when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.~~060(4)(a)100(4) or 14.300(3)(d)~~, as applicable.

(4) Standards for a new or replacement transmission tower.

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with ~~Type III procedures of LC Chapter 14, except that LC 14.060(4)(a) noticing requirements does not apply to applications involving a leased area. LC 14.050 and a hearing with the Director in accordance with LC 14.300, excluding LC 14.300(3)(d) for applications involving a leased area.~~ To be approved, the application must comply with LC 16.264(3) and 16.264(4).

(b) Neighborhood meeting. Prior to submittal of a land use application, the applicant shall conduct a neighborhood meeting in the general area of the proposed telecommunication tower.

(i) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting in conformance with 16.264(3)(j). In addition, the notice shall be sent to tenants living within the noticed area. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain the information required by LC 16.264(4)(b)(i) for the mailed notice.

(iii) Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(c) Required submittals. The application shall contain the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate;

(C) Documentation in the form of lease agreements for a minimum of two collocations on the proposed telecommunication tower.



(iii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by any proposed collocations, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(iv) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(4)(f)(iv). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(v) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vi) A map of all transmission towers and properties that have obtained approval for a transmission tower, within ten (10) miles of the proposed facility.

(vii) Certification by an Oregon-registered professional engineer that the design of the tower will support at least three users (the primary user and two collocation sites).

(viii) Evidence of the notification and the neighborhood meeting.

(ix) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunication tower, ancillary facilities, and restoration of the site.

(x) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(d) Performance standards. The transmission tower shall comply with the following:

(i) The tower shall be necessary to provide service to the intended area. The applicant shall provide evidence the existing and approved telecommunication facilities within ten miles would not provide an adequate level of service, based on the following:

(A) Lack of useable and compatible collocation space;

(B) Inability to meet service coverage area and capacity needs; or

(C) Technical reasons such as channel proximity and inter-modulation.

(ii) The transmission tower shall be designed to accommodate at least three users (the primary user and two collocation sites).

(iii) The cumulative radio frequency emissions from all the collocations on a single structure shall not exceed the maximum exposure limits of the FCC.

(iv) When access is provided by a private road, all necessary access easements and roadways shall be maintained.

(v) Prior to land use approval of a building permit for a telecommunication tower, the applicant shall:

(A) Provide documentation showing the FAA, the ODA, and any other applicable state agency, have approved the tower, or that the tower does not require approval by these agencies;

(B) When the tower is within 14,000 feet of an airport, provide the FAA registration number for the transmission tower, or documentation showing the tower does not require registration.

(e) Setbacks and separation requirements.

(i) Setbacks. The tower shall comply with the setback of the base zone.

(ii) Separation. The tower shall be 1200 feet from any dwelling or school, except:

(A) An encroachment into the separation distance is allowed if the homeowner(s) who is being encroached upon submits written approval of the encroachment.

(B) This separation shall not apply to any dwellings or schools located on the parcel containing the proposed tower.

(f) Expiration and Renewal of the Special Use Permit.

(i) If a telecommunications tower is not placed into service within 2 years of issuance of a building permit, the special use permit shall expire.

(ii) In lieu of LC 14.090(6)700(4), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.

(iii) To renew the special use permit, an application shall be submitted in accordance with LC Chapter 14LC-14.050. To be approved, the application shall contain documentation showing:

(A) The telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC); and

(B) The tower continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

(iv) If a transmission tower authorized under this section is not used as a telecommunication facility for a period of one (1) year, the special use permit shall expire and the tower shall be removed.

(5) Collocation. A new or replacement collocation shall comply with the following:

(a) Review process. Collocation requires submittal of a land use application pursuant to Type II procedures of LC Chapter 14LC-14.050. Director approval is required pursuant to Type II procedures of LC Chapter 4LC-14.100, excluding the notice area at LC 14.100(4)060(4)(a) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).

(b) Required submittals. An application for a collocation shall include the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower, collocation, and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate.

(iii) If the collocation is within 14,000 feet of an airport, provide the FAA registration number for the tower structure, or documentation showing that the tower does not require registration.

(iv) Documentation demonstrating that the Oregon Department of Aviation has reviewed the proposal. When the proposed collocation does not increase the height of the tower, documents from the ODA approving the tower may be substituted.

(v) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(5)(c)(ii). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(vi) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A



lease agreement or similar authorization for the proposed use from the Federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by the proposed collocation, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(viii) Certification by an Oregon-registered professional engineer that the telecommunication facility will support the proposed collocated equipment.

(ix) Documentation showing that the applicant has an FCC license for the geographic region and for the service proposed by the collocation.

(x) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the collocation, ancillary facilities, and restoration of the site to the way it appeared before collocation approval.

(xi) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(c) Performance standards. Collocations shall comply with the following:

(i) All collocations on the structure shall comply with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(ii) Any collocation and ancillary facilities authorized under this subsection shall be removed after one year of non-use and the approval shall expire.

(iii) The provider shall maintain an FCC license for the geographic region and for the service provided by the collocation. *(Revised by Ordinance 4-02, Effective 4.10.02; 17-04, 3.18.05; 6-10, 9.17.10)*

## **TRANSPORTATION FACILITIES AND USES RURAL COMPREHENSIVE PLAN**

### **16.265 Transportation Facilities and Uses.**

(1) Purpose. The purpose of this section is to define roadway and other transportation activities, uses, and projects that may be allowed in any land use zone governed by LC Chapter 16, subject to applicable standards and requirements. It clarifies the status of these activities and the processes necessary to implement the Lane County Transportation System Plan (TSP), a Special Purpose Plan of the Rural Comprehensive Plan.

(2) Definitions. The definitions in LC 15.010 shall apply to transportation facilities and uses specified in LC 16.265(3) below.

(3) Transportation Facilities and Uses. The following transportation facilities and uses may be permitted outright or as special uses only as specified in the applicable land use zone, subject to LC 16.265(4) and other applicable requirements of Lane Code:

(a) Climbing and passing lanes;

(b) Reconstruction or modification as defined in LC 15.010, and modernization as defined in LC 15.010 of public roads and highways, including:

(i) acquisition of right-of-way, including the removal or displacement of buildings but not including the creation of new parcels.

(ii) channelization as defined in LC 15.010.

(iii) the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way.

(iv) the addition of travel lanes.

(v) continuous median turn lanes.

**GOSHEN INDUSTRIAL ZONES (GI, LI)  
RURAL COMPREHENSIVE PLAN (RCP)**

**LC 16.280 Goshen Industrial Zones (GI, LI)**

**Sections:**

- (1) Purpose**
- (2) Definitions**
- (3) Land Use Categories**
- (4) Industrial Use Categories**
- (5) Applicability**
- (6) Site Design Review**
- (7) Special Use Permit**
- (8) Permitted Land Uses**
- (9) Development Standards**
- (10) Access and Circulation**
- (11) Landscaping, Fences, Walls and Screening**
- (12) Parking and Loading**
- (13) Noise Standards**
- (14) Outdoor Lighting Standards**
- (15) Signs**
- (16) Utility Facilities**

- (1) Purpose.** The purpose of the Goshen Industrial zones are to promote economic growth and development that takes advantage of the significant comparative advantages of Goshen including presence of rail and highway access, while being in close proximate to the Eugene/Springfield metro area. The zones will accommodate industrial uses focusing on manufacturing and production, industrial service, and accessory or supportive uses to serve the needs of these primary uses. The zones are intended to buffer incompatible industrial developments from other zones, while providing a quality environment for businesses and employees. This Section (16.280) of Lane Code guides the orderly development of Goshen urban industrial uses and is intended to:

- (a)** Provide for efficient use of land and public services.
- (b)** Promote the area's transportation and other infrastructure, and logistical advantages.
- (c)** Encourage economic development, expansion, and creation of jobs in the area.
- (d)** Increase compatibility between uses and nearby commercial and residential or resource zones.
- (e)** Provide appropriate design standards to accommodate a range of industrial users.
- (f)** Utilize industrial zoned lands for increased levels of development resulting in living wage jobs.
- (g)** Protect and diversify the economy of the county.
- (h)** Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

Two different zones are intended to provide land that is appropriate for the following uses based on size, location, and other characteristics.

**General Industrial (GI):** The purpose of this zone is to provide opportunities for industrial uses that create jobs that pay no less than 150% of the median wage, which are essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and non-industrial uses. Additionally, it is the primary purpose of the GI zone to focus on rail dependent uses that create a significant number of jobs. The GI zone is intended to encourage Manufacturing and Production uses which are by their nature expected to create a significant number of jobs.

**Light Industrial (LI):** The purpose of this zone is to provide opportunities for light industrial uses on existing smaller properties.

These zones are identified on the County's official zoning map. The zones serve distinctly different uses as described.

## (2) Definitions

- (a) **Industrial Use** – means employment activities, including, but not limited to the use of land primarily for the manufacture, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development, that generate income from the production, processing, handling or distribution of goods and services, including goods and services in the traded sector as defined by ORS 285A.010.
- (b) **Commercial Use** – means the use of land involving buying or selling of goods or services as the primary activity.
- (c) **Corporate Office/Headquarters** – means a building or portion of a building in which people are employed in the management or direction of a business consisting of one or more companies, or divisions or groups of companies. This use must be directly associated with and subordinate to a permitted use or use allowed with a Special Use Permit on the same site.
- (d) **Non-native, invasive plants** – means plants listed under current Oregon State University Extension Service Bulletin as non-native invasive plants in Oregon.
- (e) **Rail dependent.** A use, facility or activity that demonstrates a benefit from access to rail or can utilize or integrate access to the rail into their business operations.
- (f) **Rail related.** Uses or facilities that are not directly dependent upon access to rail, but that provide goods or services that are directly associated with rail-dependent land or use, and that, demonstrate that if not located near rail related uses would result in a loss of quality or increase in cost of the goods or services offered.

## (3) Land Use Categories

For the purpose of this Chapter uses and activities are classified into use categories on the basis of common functional, product, or physical characteristics, as described below.

- (a) **Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The characteristics subsection of each use

category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

- (b) **Interpretation.** When a use's category is not clearly identifiable, the Director, through an administrative action, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

- (i) The description of the activity(ies) in relationship to the characteristics of each use category;
- (ii) The relative amount of site or floor space and equipment devoted to the activity;
- (iii) Relative amounts of sales from each activity;
- (iv) The customer type for each activity;
- (v) The relative number of employees in each activity;
- (vi) Hours of operation;
- (vii) Building and site arrangement;
- (viii) Vehicles used with the activity;
- (ix) The relative number of vehicle trips generated by the activity;
- (x) Signs;
- (xi) How the use advertises itself; and
- (xii) Whether the activity would function independently of the other activities on the site.

- (c) **Developments with multiple primary uses.** When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a Research and Development facility and a manufacturing and production facility, the uses would be classified in the Industrial category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

#### (4) **Industrial Use Categories**

##### (a) **Industrial Service**

- (i) "Industrial Service" refers to 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.
- (ii) Accessory uses may include but are not limited to offices, parking, storage, rail spur or lead lines, and docks.
- (iii) Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators;

recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; technology development and support centers; industrial laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

**(iv) Exceptions**

**(aa)** Contractors and others who perform Industrial Services off-site are included in the office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.

**(bb)** Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

**(b) Manufacturing and Production**

**(i)** “Manufacturing and Production” refers to the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-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.

**(ii)** Accessory uses may include but are not limited to offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site is allowed. Other living quarters are subject to the regulations for Residential Uses.

**(iii)** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, computer and electronic devices; biotechnology; production of artwork and toys; sign making; production of prefabricated structures, including manufactured homes; the production of energy; and paper products processing.

**(iv) Exceptions**

**(aa)** Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.

**(bb)** Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

**(c) Warehouse, Freight Movement, and Distribution**

- (i)** “Warehouse, Freight Movement, and Distribution” refers to the storage, or movement of goods by a company 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.
- (ii)** Accessory uses may include but are not limited to offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.
- (iii)** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck/freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.
- (iv)** Exceptions
  - (aa)** Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
  - (bb)** Mini-warehouses are classified as Self-Service Storage uses.

**(d) Waste-Related**

- (i)** “Waste-Related” refers to 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. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.
- (ii)** Accessory uses may include but are not limited to recycling of materials, offices, and repackaging and transshipment of by-products.
- (iii)** Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.
- (iv)** Exceptions
  - (aa)** Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
  - (bb)** Sewer pipes that serve a development are considered a basic utility.
  - (cc)** Recycling operations are not considered a Waste related use. They are classified as an Industrial Service use.

**(e) Wholesale Sales**

- (i) “Wholesale Sales” refers to 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.
- (ii) Accessory uses may include but are not limited to offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- (iii) Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- (iv) Exceptions
  - (aa) Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
  - (bb) Firms that engage in sales on a membership basis are classified as Retail Sales and Service.
  - (cc) Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

**(5) Applicability**

The provisions of this subsection of Lane Code Chapter 16, the Goshen Industrial zones, apply to all development on property zoned General Industrial (GI) and Light Industrial (LI) within the unincorporated community of Goshen. The location of the GI and LI zones are identified on the Lane County official zoning map.

Where a provision or condition imposed by a provision of this section conflicts or overlaps with another provision or condition imposed by a provision of this section or other section of Chapter 16 of Lane Code, the provision or condition imposed by a provision that is more restrictive governs.

**(6) Site Design Review**

- (a) **Purpose.** The purpose of this subsection, Site Design Review, is to:
  - (i) Provide rules, regulations and standards for efficient and effective administration of land use review in the Goshen Industrial Zones;
  - (ii) Promote the public health, safety and general welfare;



- (iii) Provide compatibility through provisions for adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
  - (iv) Encourage the conservation of energy resources; and
  - (v) Encourage efficient use of land resources, full utilization of services, mixed uses, and transportation options.
- (b) **Applicability.** Site Design Review is required for all new developments and modifications of existing developments in the Goshen Industrial zones, subject to this section of Lane Code Chapter 16, in accordance with subsection (5), Applicability, of this section. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair are exempt from Site Design Review.
- (c) **Application Review.** Site Design Review will be processed pursuant to Type II procedures of LC Chapter 14~~using the Director Review Procedure of Lane Code 14.100,~~ and ~~using subject to~~ the application requirements and approval criteria contained in subsections 6(e) and 6(f), below.

Site Design Review ensures compliance with the basic land use and development standards of the land use zone, such as setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of Lane Code as applicable.

- (d) **Permit Approval and Modifications.** Applicant must not commence or authorize development until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval, and any other required land use decisions) and building permits. Applicant must not commence or authorize construction of public improvements until the County has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The County may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements.

Modification of application for a Site Design Review or Special Use Permit application means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following components: proposed uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

- (i) An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process.



- (ii) The Approval Authority may not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 150-day review period as of the date the modification is submitted. The 150-day review period for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days from the day the application was accepted as complete.
  - (iii) The Approval Authority may require that the application be re-noticed and additional hearings be held.
  - (iv) Up until the day a hearing is opened for receipt of oral testimony, the Director has sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Approval Authority makes such determinations. The Approval Authority's determination on whether a submittal constitutes a modification is appealable to LUBA after a final decision is entered by the County on an application.
- (e) **Site Design Review - Application Submittal Requirements.** All of the following information is required for Site Design Review application submittal:
  - (i) **Site Design Review Submission Requirements.** An application for Site Design Review must contain all of the information required under ~~Lane Code 14.050~~**LC 14.040(1)**. In addition an applicant for Site Design Review must provide the following additional information, as deemed applicable by the Director. The Director may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the Approval Authority:
    - (aa) **Site analysis map.** (existing conditions) At a minimum the site analysis map must contain the following:
      - (A) The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the County (minimum of 250 feet), and the relationship between the proposed development site and abutting property and development. The property boundaries, dimensions and gross area must be identified;
      - (B) Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;
      - (C) Identification of slopes greater than 25 percent;
      - (D) The location and width of all existing: utilities, public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

- (E) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the County or State as having a potential for geologic hazards;
  - (F) Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the County or any natural resource regulatory agencies as requiring protection;
  - (G) Site features, including existing structures, pavement, large rock outcroppings, drainage ways, canals and ditches;
  - (H) Locally or federally designated historic and cultural resources on the site and abutting parcels or lots;
  - (I) The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;
  - (J) North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;
  - (K) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
- (bb) **Proposed site plan.** The site plan must contain the following information:
- (A) The proposed development site, including boundaries, dimensions, and gross area;
  - (B) Features identified on the existing site analysis maps that are proposed to remain on the site;
  - (C) Features identified on the site analysis map, if any, which are proposed to be removed or modified by the development;
  - (D) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  - (E) The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site including outdoor storage areas, fencing, etc. All impervious and pervious areas must be delineated. Setback dimensions for all existing and proposed buildings must be provided on the site plan;

- (F) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- (G) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- (H) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to abutting properties, and any bicycle lanes or trails;
- (I) Loading and service areas for waste disposal, loading and delivery;
- (J) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- (K) Location, type, and height of outdoor lighting;
- (L) Location of mail boxes, if known;
- (M) Name and address of project designer, if applicable;
- (N) Locations of bus stops and other public or private transportation facilities;
- (O) Locations, sizes, and types of signs;
- (cc) **Architectural drawings.** Architectural drawings demonstrating compliance with subsection (9)(e), Design Standards, below, and showing one or all of the following are required for new buildings and major remodels:
  - (A) Building elevations (as determined by the County Director) with building height and width dimensions;
  - (B) Building materials, colors and type;
  - (C) The name of the architect or designer.
- (dd) **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer is required for development sites ½ acre or larger. The preliminary grading plan must show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with subsection (16)(d), Stormwater Management Requirements.

- (ee) **Landscape plan.** A landscape plan is required demonstrating compliance with the provisions of subsection (11), Landscaping, Fences, Walls and Screening, below, and must show the following:

  - (A) The location and height of existing and proposed fences, buffering or screening materials;
  - (B) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - (C) The location, size, and species of the existing and proposed plant materials (at time of planting);
  - (D) Existing and proposed building and pavement outlines;
  - (E) Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
  - (F) Other information as deemed appropriate by the County Director.
- (ff) Sign drawings must detail the location, size, and colors of any proposed signs.
- (gg) Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.
- (hh) Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in subsection (6)(f), Site Design Review Approval Criteria.
- (ii) Traffic Impact Study, when required in accordance with subsection (16)(b), Roads, below, a traffic study must be prepared in accordance with the road authority's requirements. See Lane Code 15.696-15.697 for relevant standards.
- (jj) Other information. When determined by the Director, the County may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code including but not limited to:

  - (A) **Public Facilities and Services Impact Study.** An impact study when required must quantify and assess the effect of the development on public facilities and services. The scope of the study will be determined by the County during the pre-application conference. For each public facility system and type of impact, the study must propose improvements necessary to meet County standards;

(B) In situations where this Code authorizes the dedication of real property to the County, in order for the County to include the dedication as a condition of approval the County must include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services.

(f) **Site Design Review Approval Criteria.** The Approval Authority must make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- (i) The application is complete, as determined in accordance with ~~Land Code 14.050~~LC 14.050 and subsection (6)(e), Site Design Review – Application Submittal Requirements, above.
- (ii) The application complies with all of the applicable provisions of the underlying Land Use Zone, including: setbacks, lot coverage, building height, property size, orientation, architectural standards and other provisions of subsections (8), Permitted Land Uses, and (9), Development Standards including special standards as may be required for certain land uses.
- (iii) The applicant is required to upgrade any existing development that does not comply with the applicable land use zone standards, in conformance with section (5) and Lane Code Chapter 16.251, Non-Conforming Uses.
- (iv) The application complies with all of the following Standards as applicable:
  - (aa) subsection (10) - Access and Circulation;
  - (bb) subsection (11) - Landscaping, Fences, Walls and Screening;
  - (cc) subsection (12) - Parking and Loading;
  - (dd) subsection (13) – Noise Standards;
  - (ee) subsection (14) – Outdoor Lighting Standards;
  - (ff) subsection (15) – Signs;
  - (gg) subsection (16) – Utility Facilities.
- (g) Existing conditions of approval required as part of a prior Land Division, Special Use Permit, Site Plan/Design approval or other approval must be met when the development under the previous approval is proposed to continue to exist.

**(7) Special Use Permit**

The County must approve, approve with conditions, or deny an application for a Special Use Permit or to enlarge or alter a Special Use based on findings with respect to each of the following standards and criteria:

**(a) Use Criteria**

- (i)** The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.
- (ii)** Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval that include but are not limited to those listed in below.

**(b) Site Design Standards.** Where appropriate, the procedures, submittal requirements, and approval criteria for Site Design Review approval listed in subsection (6); Site Design Review must be met.

**(c) Conditions of Approval.** The County may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized. The County may impose as many of these and other applicable conditions on one conditional use application as it finds necessary. These conditions include, but are not limited to, the following:

- (i)** Limiting the hours, days, place and/or manner of operation;
- (ii)** Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- (iii)** Requiring larger setback areas, lot area, and/or lot depth or width than those required;
- (iv)** Limiting the building height, size or lot coverage, and/or location on the site;
- (v)** Designating the size, number, location and/or design of vehicle access points or parking areas;
- (vi)** Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, is roughly proportional and has a nexus to the impact of the proposed development;
- (vii)** Requiring landscaping, screening, stormwater management facilities, and/or improvement of parking and loading areas;

- (viii) Limiting the number, size, location, height and/or lighting of signs;
- (ix) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- (x) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- (xi) Requiring and designating the size, height, location and/or materials for fences;
- (xii) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
- (xiii) Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with adopted plans, so long as findings in the development approval indicate how the dedication and/or construction, if not voluntarily accepted by the applicant, is roughly proportional to the impact of the proposed development. Dedication of land and design and construction must conform to the provisions of this Chapter.

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**(8) Permitted Land Uses**

- (a) **Permitted Uses.** The land uses listed in Table 8-1 may be permitted in each of the applicable zoning zones as listed in Table 8-1, subject to the provisions of this section. Only land uses that are specifically listed in Table 8-1, and land uses that are approved as “similar” to those in Table 8-1, may be permitted.
- (b) **Determination of Similar Land Use.** ~~Following submittal of an application under LC 14.050 and 14.100~~Subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14, uses and development similar to uses and development in Table 8-1 may be allowed if found by the Director to be “clearly similar” to the uses and development allowed by Table 8-1. The applicant has the burden to provide sufficient information to allow the Director to make findings on the following criteria. The Director must make findings that such use is “clearly similar” based on the following criteria:
- (i) The use and development are consistent with the purpose of this section.
  - (ii) When compared with the uses and development permitted by Table 8-1, the use and development are similar to one or more of these uses and development based on an analysis of the:
    - (aa) Goods or services traded from the site;
    - (bb) Bulk, size, and operating characteristics of the proposed use and development;
    - (cc) Parking demand, customer types and traffic generation; and
    - (dd) Intensity of land use and the number of jobs created on the site. Uses proposed in the GI zone must create a job density of 13 jobs per net developed acre.
  - (iii) The use and development do not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information must be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide onsite sewage disposal and water supply if a community sewer or water system is not available.
  - (iv) The use and development do not result in public health hazards or adverse environmental impacts that violate state or federal regulations.
  - (v) The use and development comply with the other applicable provisions of this Chapter.

Similar use determinations that are not “clearly similar” because they do not meet the standards above, must be made in conformance with the procedures in Lane Code Chapter 16.008; Interpretations. Uses proposed in the GI zone must create a job density of 13 jobs per net developed acre.

- (c) **Existing Uses.** Existing lawfully established uses within an industrial zone located within the Unincorporated Community of Goshen prior to the date of adoption of the



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ordinance implementing this Chapter constitute permitted uses. Expansion or enlargement of the above pre-existing lawfully established uses or structures are subject to the provisions of Lane Code 16.292 and other sections as applicable.

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**Table 8-1: Permitted Land Uses**

| Land Use  | GI | LI |
|---|----|----|
| <b>Industrial</b>   |    |    |
| Manufacturing and production  | -  | -  |
| Rendering plant/facility  | N  | N  |
| Slaughter house/facility  | N  | N  |
| Uses with a total building size of not more than 40,000 square feet   | P  | P  |
| Rail dependent use over 40,000 square feet  | P  | P  |
| Rail related use over 40,000 square feet on sites without rail access   | P  | P  |
| Non-rail dependent or non-rail related use over 40,000 square feet  | N  | P  |
| Industrial Service  | S* | P  |
| Towing, vehicle storage, auto and truck salvage and wrecking  | N  | S  |
| Truck stops   | N  | S  |
| Warehouse , Freight Movement, and Distribution  | S* | S  |
| Waste-Related uses  | N  | N  |
| Wholesale sales   | N  | N  |
| <b>Residential</b>  |    |    |
| One caretaker unit is permitted for each development<br><i>NOTE: Other residential uses are not permitted, however, residences existing prior to the effective date of this Code may continue subject to the standards in Chapter 16.251 Non-Conforming Uses and Developments.</i>    | P  | P  |
| <b>Commercial</b>   |    |    |
| Commercial/retail uses – existing properties with past commercial uses  | N  | P* |
| Vehicle, equipment and boat repair, rental, storage, service  | N  | N  |
| Medical and dental laboratories and large animal veterinary clinics   | N  | N  |
| Outdoor Commercial Uses (e.g., outdoor storage, Building and garden supply)   | N  | N  |
| Small-scale personal and professional services (e.g., child care, fitness center, coffee shop / deli, dry cleaners, barber shops and salons, copy center, banks, and financial institutions and similar uses) up to 2500 square feet or 1% of gross floor area (whichever is greater) | P* | P* |
| Equipment Rental and Repair services  | N  | S  |
| Corporate Office/Headquarters   | P* | P* |
| Mini-storage Warehouse  | N  | N  |
| Contractor business   | N  | P  |
| Heavy equipment sales   | N  | S  |
| Ambulance Service/Transportation yards  | N  | N  |
| Commercial parking lot  | N  | N  |
| Recreation Facility (privately owned)   | N  | N  |
| <b>Public and Institutional</b>   |    |    |
| Government facilities where the public is generally not received. (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)  | N  | S  |
| Utilities (above ground)  | P* | P* |
| Special district and Public Safety facilities (e.g., utility district, fire station, and similar facilities)  | S  | S  |
| Vocational schools  | N  | S  |
| Public Park and Recreation Facility   | N  | S  |
| <b>Miscellaneous Uses</b>   |    |    |
| Wireless and Broadcast Communication Facilities (See LC 16.264)   | P  | P  |

**Key to Zones:**

GI = General Industrial Zone

LI = Light Industrial Zone

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**Key to Permitted Uses**

**P** = Permitted; subject to subsection (6).

**N** = Not Permitted.

**S** = Special Use Permit required, subject to subsection (7).

**\*** = Subject to Standards for Certain Uses (subsection (9)(g))

**(9) Development Standards**

**(a) Setbacks.** Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. All developments must meet applicable fire and building code standards, which may require greater setbacks than those listed in the following subsection. (e.g., for combustible materials, etc.)

**(i) Front Yard Setbacks.**

- (aa)** General Industrial (GI) Zone: The minimum front yard setback is 20 feet.
- (bb)** Light Industrial (LI) Zone: The minimum front yard setback is 10 feet.
- (cc)** Exceptions:

**(A)** Other special setbacks in conformance with Lane Code 15.065-15.095, Building Setback Requirements may apply.

**(ii) Rear Yard Setbacks.** There is no required rear yard setback in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion of the use may be constructed or placed closer than 20 feet from the property line of the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

**(iii) Side Yard Setbacks.** There are no required side-yard setbacks in the GI or LI industrial zones, except when development is abutting a residential or resource zone. In this situation, no building or structure or any portion thereof may be constructed closer than 20 feet to the residential or resource zone. Portions of buildings or structures that exceed 35 feet in height must step back an additional ½ foot for each foot by which the building height exceeds 35 feet.

**Table 9-1: Development Standards**

| <b>Standard</b>                                 | <b>Light Industrial (LI)</b> | <b>General Industrial (GI)</b>  |
|---|------------------------------|---------------------------------|
| Minimum Front Yard                              | 10'                          | 20'                             |
| Minimum Rear Yard*                              | 0'/20'*                      | 0'/20'*                         |
| Minimum Side Yard*                              | 0'/20'*                      | 0'/20'*                         |
| Maximum Lot Coverage                            | 80%                          | 80%                             |
| Base Building Height**                          | 65'                          | 65'                             |
| Property size<br>(lot, parcel, or unit of land) | Minimum N/A<br>Maximum N/A   | Minimum 35 acres<br>Maximum N/A |

Note: Setbacks are measured from the minimum right of way widths established in Lane Code Chapter 15.

\*Subject to the provisions of subsection 9(a); Setbacks

\*\*Subject to the provisions of subsection 9(c); Building Height

**(iv) Corner Lots and Through Lots.** For buildings on properties with more than one street frontage or through lots, the minimum front yard setback standards in Table 9-1 applies to all street frontages.

- (b) **Lot Coverage.** The lot coverage standards are intended to provide flexibility in development while ensuring some provision of open space for landscaping and stormwater management.

The maximum allowed lot coverage in the General Industrial (GI) and Light Industrial (LI) zones is 60 percent (60%). The maximum allowed lot coverage is computed by calculating the total area covered by buildings including accessory structures, and comparing this figure with the total area of the development site. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

- (c) **Building Height.** The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

(i) **Height Requirements**

**Base Height.** The base height for buildings and structures in the General Industrial (GI) and Light Industrial (LI) zones is sixty five feet (65') in height and must comply with the building setback standards in subsection 9(a); Setbacks above.

The height limits are subject to the provisions of Lane Code (LC) 16.250(5)(a) and (b).

(ii) **Exceptions**

The allowable height may be increased over the base height when:

- (aa) For a use located on a property or in a building that is within 100 feet of a residential or resource zone, the height may be increased over the base height through one of the following means:

- (A) The minimum required setbacks are increased ½ foot for every foot over the base height;
- (B) Stepping-back of building height ½ foot for every foot over the base height;

and when a Special Use Permit is approved subject to the Special Use Permit criteria and when one or more of the mitigation methods specified below under (iii) are applied.

- (bb) For a use located on a property that is not within 100 feet of a residential or resource zone, the height may be increased over the base height through one on the following means:

- (A) The minimum required setbacks are increased ½ foot for every foot over the base height;
- (B) Stepping-back of building height ½ foot for every foot over the base height;

and when one or more of the following mitigation methods are applied.

**(iii) Mitigation Methods.**

- (aa)** visual buffering or screening is provided to mitigate the additional height from surrounding properties; and/or
- (bb)** other appropriate measures to provide a height transition between industrial development and abutting residential or resource zoned property.

Non-conforming uses that are lawfully in existence at the time this ordinance is adopted may continue to operate in conformance with Lane Code 16.251 Non-Conforming Uses.

- (d) Property Size.** One of the necessary components to provide an adequate supply of large economic development land is to ensure that there are large property sizes available for employment uses. The minimum property size limit for properties (lots, parcels, or units of land) within the GI zone are regulated to ensure efficient utilization of the existing industrial zoned land within the community of Goshen.

**Table 9-2: Property Size**

| <b>Standard</b>                                 | <b>Light Industrial (LI)</b> | <b>General Industrial (GI)</b>  |
|---|------------------------------|---------------------------------|
| Property size<br>(lot, parcel, or unit of land) | Minimum N/A<br>Maximum N/A   | Minimum 35 acres<br>Maximum N/A |

- (e) Land Division Standards.** Land divisions of GI zoned properties that have rail access must preserve rail access for all newly created lots or parcels.

**(f) Design Standards.**

- (i) Orientation.** In order to minimize adverse impacts of parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy of abutting non-industrial zoned properties the following standards apply to all development in the Industrial zones when abutting to a non-industrial zone.

- (aa) Openings.** No openings other than code required egress intended for emergency use, are allowed on any side of a building facing the non-industrial use unless approved through a Special Use permit;
- (bb) Front Entrance.** The front/main entrance of the primary building on a property must be oriented to the street frontage and away from any abutting non-industrial zone unless approved through a Special Use Permit;
- (cc) Equipment Standard.** Mechanical equipment, outdoor storage and outdoor manufacturing, and service and delivery areas of an Industrial

Use that are outside of an enclosed building, must be located a minimum of 20 feet away from abutting residential or resource zones, schools, and parks, unless approved through a Special Use Permit;

Mechanical equipment, outdoor storage, outdoor manufacturing, and service and delivery areas of an Industrial Use that are outside of an enclosed building must be screened from view from all abutting public streets and abutting residential or resource zoned properties, schools, and parks, unless approved through a Special Use Permit. When screening is required, such screening must be a minimum of 6 feet in height and provided by:

- (A) a decorative sight obscuring wall (i.e., wood, masonry or similar quality material),
- (B) evergreen hedge,
- (C) opaque/sight obscuring fence complying with subsection (11), or
- (D) a similar feature that provides an opaque/sight obscuring barrier.

Walls, fences, and hedges must comply with subsection (11), Landscaping, Fences, Walls and Screening; the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40); and provide for pedestrian circulation, in accordance with subsection (10), Access and Circulation.

**Figure 9-1 - Development Orientation**

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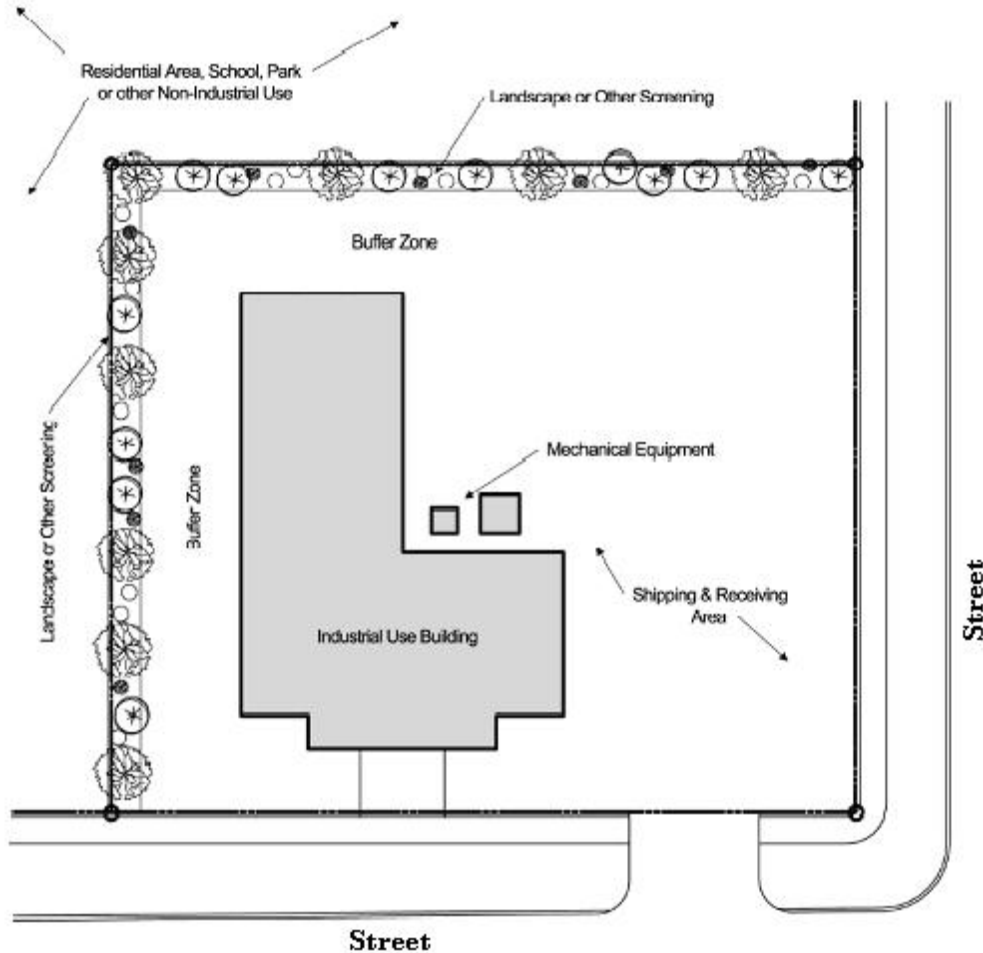
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- (ii) **Architectural Standards.** All developments in the Industrial Zones must be evaluated during Site Design Review for conformance with the criteria below:

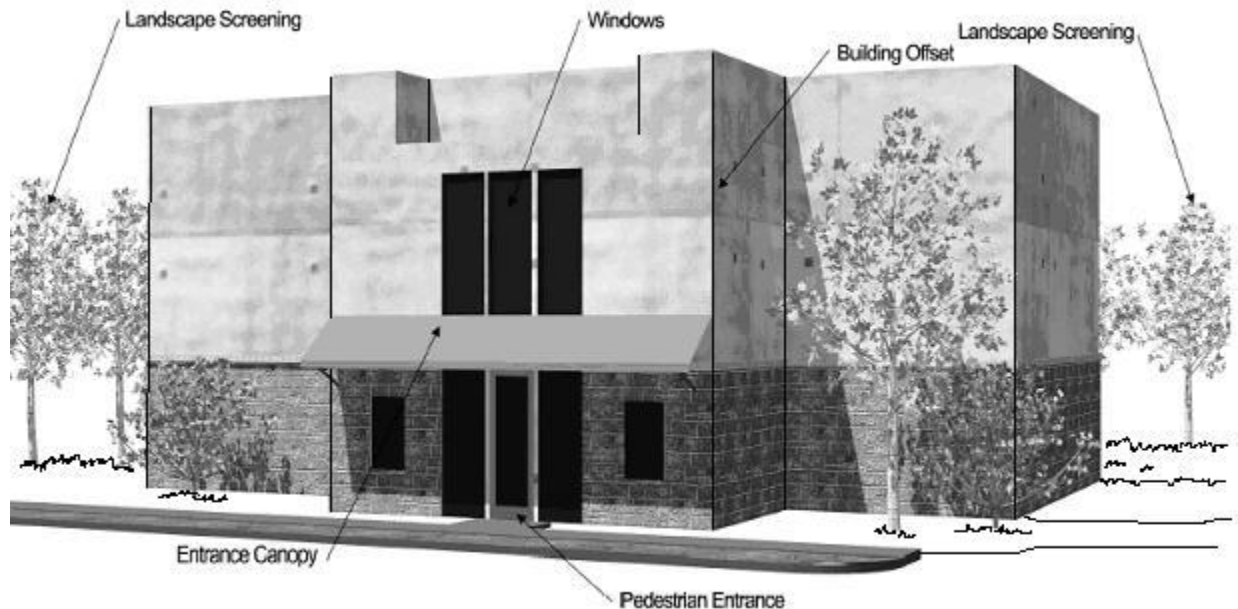
- (aa) **Building Mass.** Where building elevations are oriented to the street, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, must be used to break up and articulate large building surfaces and volumes greater than 75 linear feet in length. A minimum of 15% of the horizontal building façade must contain a variety of architectural features. The horizontal building elevation facing Highway 99 or Hampton Road in all development within the Industrial Zone with lots fronting on Highway 99 or Hampton Road must provide a minimum of 30% of the architectural features as described above.

Buildings over 10,000 square feet in size must incorporate changes in building direction (i.e., articulation) and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; windows, and screening trees. The maximum width or length of a building may not



exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Special Use Permit.

**Figure 9-2 - Architectural Features (Typical)**



*Note: Figure above is intended to illustrate typical building design elements, and should not be interpreted as a required architectural style.*

- (g) **Standards for Certain Uses.** The Industrial Zones accommodate a range of manufacturing, industrial office uses, and secondary small-scale personal service Commercial Uses.
- (i) **Small Scale personal and professional services.** Small scale personal and professional service uses as specified in Table 8-1 must comply with the following development standards:
  - (aa) Small-scale personal and professional service uses may only be allowed when it is demonstrated that they will be secondary to the primary use of the building or development. No more than 2,500 square feet or 1% of the total square feet, whichever is greater, of a permitted use or use allowed with a Special Use Permit may be occupied by a secondary small-scale personal and professional service use.
- (ii) **Accessory Uses and Structures.** Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, green houses and similar structures not intended for habitation by people. Accessory uses and structures are allowed for all permitted land uses within the Industrial Zones. All accessory structures must have a building permit if required and comply with all of the following development standards:

- (aa) Primary use required. An accessory structure or use is not allowed on a lot before an allowed primary use is established.
      - (bb) Restrictions. Accessory uses and structures may not be placed over an easement where such placement would be inconsistent with use of the easement, and may not encroach into the public right-of-way.
      - (cc) Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
      - (dd) Setback Standards. Accessory structures must comply with the setback standards of the underlying zone.
- (iii) **Industrial Service uses in GI zone.** Industrial service uses are only allowed in the GI zone when secondary and subordinate to an approved primary use, and when the use is demonstrated to satisfy the following:
  - (aa) Create a job density of 13 jobs per net developed acre at build out of the proposed use.
- (iv) **Commercial/retail uses – existing properties with past commercial uses.** Commercial/retail uses are permitted on a property(ies) with a history of commercial/retail use where the primary use is located on property that prior to the date of the adoption of this section was under ¼ acre in size. The use is subject to other applicable sections of this chapter. Any modification, addition, or alteration of the previous use or structures related to the use is subject to the applicable provisions of this Section 16.280. Commercial/retail use is limited to 3000 square feet in size.
- (v) **Utilities.** Utility uses include the erection, construction, alteration, or maintenance of underground, overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including utility poles, wires, drains, sewers, pipes, conduits, cables and other similar equipment and accessories located outside of the public right of way.

Utility uses are only those conducted or operated by a public utility of municipal or other governmental agencies or licensed franchise.

Utility poles may exceed the height limits otherwise provided for in the applicable zone. In considering an application for a public or licensed franchise utility use, the Approval Authority must determine that all utility poles, overhead wires, pumping stations, equipment shelters and similar gear are located, designed and installed as to minimize their visual impacts. The Approval Authority may require screening as a condition of approval.
- (vi) **Corporate Office/Headquarters.** Corporate Office/Headquarters use is only allowed when directly associated with and subordinate to a primary permitted use

or use allowed with a Special Use Permit on the same site. The portion of the corporate office/headquarter use must not exceed 25% of the square footage of the total building size for the entire primary use.

- (vii) **Warehouse, Freight Movement, and Distribution.** Warehouse, Freight Movement, and Distribution use is allowed in the GI zone when it is secondary and subordinate to an approve primary use OR allowed as a primary use when it is demonstrated to satisfy the following:

- (aa) Create a job density of 13 jobs per net developed acre at build out of the proposed use.
- (bb) Create jobs that pay no less than an average of 150% of the median wage.
- (cc) Demonstrate that they are Rail Dependent, as defined in LC 16.280 above.

**(10) Access and Circulation**

- (a) **Purpose.** The purpose of this subsection, Access and Circulation is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. The requirements of this subsection apply in addition to the provisions of Lane Code Chapter 15.

**(b) Vehicular Access and Circulation**

- (i) **Access.** The access and facility permit provisions of Lane Code 15 must be met.

**(ii) Construction**

- (aa) **Surface Options.** On site driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or a durable non-paving or porous paving material may be used to reduce surface water runoff and protect water quality. Driveway and street materials may be subject to review and approval by the County Engineer.

- (bb) **Stormwater Management.** When non-porous paving is used, all driveways, parking areas, aisles, and turnarounds must have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities must be constructed in conformance with subsection (16)(d), Stormwater Management Requirements, and applicable engineering standards.

**(c) Pedestrian Access and Circulation**

- (i) **Site Layout and Design.** To ensure safe, direct, and convenient pedestrian circulation, all developments must provide a continuous pedestrian system. The pedestrian system must be designed to meet the standards below:

- (aa) **Continuous Walkway System.** An on-site pedestrian walkway system must connect within the development according to (cc)(A-C) below, and connect to any future phases of development, and to any existing or planned off-site abutting trails, public parks, and open space areas unless approved through a Special Use Permit. The developer may also be required to connect or stub walkway(s) to abutting streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of subsection (10)(b), Vehicular Access and Circulation, and subsection (16)(b), Roads.
- (bb) **Safe, Direct, and Convenient.** Walkways within developments must provide safe, reasonably direct, and convenient connections between primary building entrances and all abutting streets, based on the following definitions:

  - (A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
  - (B) **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - (C) **"Primary entrance"** for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections must be provided to the main employee entrance.
- (cc) **Connections within Development.** Connections within developments must be provided as required in subsections (A)-(C), below:

  - (A) Walkways must connect all building entrances to one another, as generally shown in Figures 10-1 through 10-3;
  - (B) Walkways must connect all on-site parking areas, storage areas, recreational facilities and common areas, and must connect public off-site abutting uses to the site. Topographic or existing development constraints may be cause for not making certain walkway connections;
  - (C) Large parking areas must be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets, or driveways with street-like features, Street-like features, for the purpose of this subsection, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

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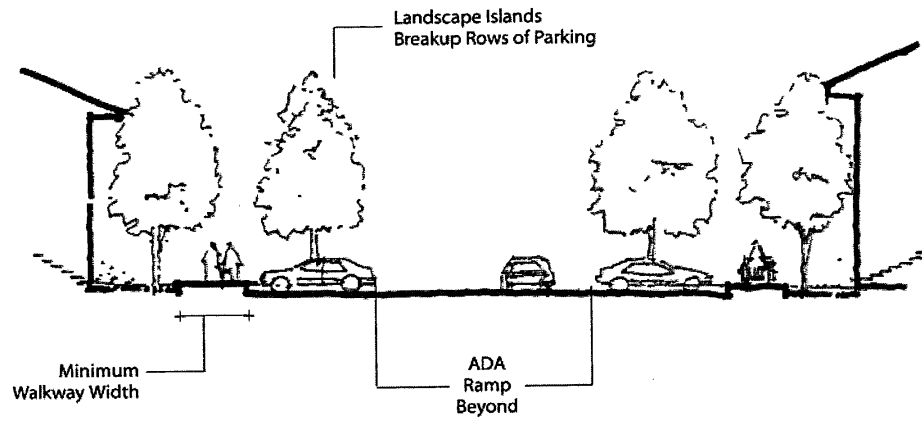
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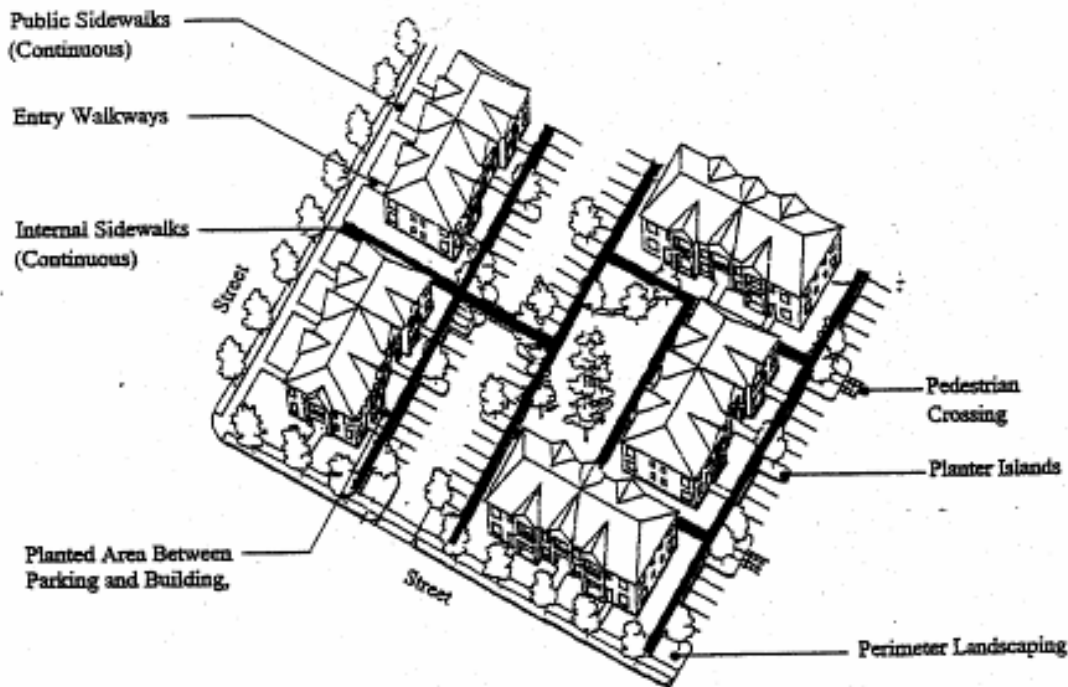
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**Figure 10-1 - Pedestrian Walkway System (Typical)**



**Figure 10-2 - Pedestrian Walkway System (Typical)**



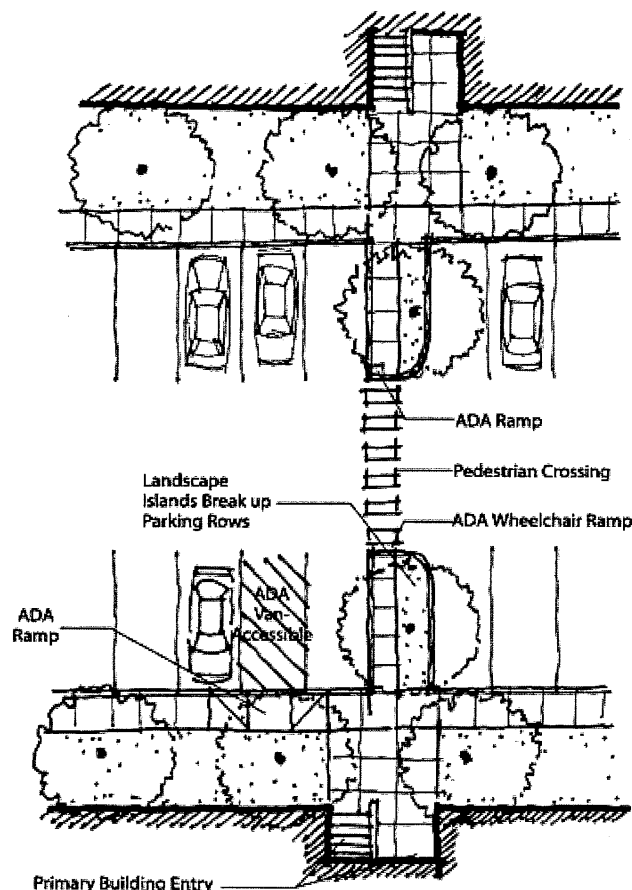
(ii) **Walkway Design and Construction.** Walkways, including those provided with pedestrian access ways, must conform to all of the standards in subsections (aa)-(dd) below, as generally illustrated in Figures 10-1 through 10-3:

(aa) **Vehicle/Walkway Separation.** Except for crosswalks, where a walkway abuts a driveway or street, walkways must be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle

maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

- (bb) Crosswalks.** Where walkways cross a parking area, driveway, or street ("crosswalk"), they must be clearly marked with contrasting paving materials (*e.g.*, light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
- (cc) Walkway Width and Surface.** Walkway and accessway surfaces must be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the County Engineer, at least six (6) feet wide. Multi-use paths (*i.e.*, for bicycles and pedestrians) must be concrete or asphalt, at least 10 feet wide.
- (dd) Accessible routes.** Walkways must comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street must provide ramps that are ADA accessible, and walkways must provide direct routes to primary building entrances.

**Figure 10-3 - Pedestrian Walkway Detail (Typical)**



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**(11) Landscaping, Fences, Walls and Screening**

- (a) Purpose.** The purpose of this subsection, Landscaping, Fences, Walls and Screening is to promote community health, safety, and welfare by setting development standards for landscaping, fences, walls and screening. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.
- (b) Landscaping**
- (i) Applicability.** This subsection applies to all new developments requiring Site Design Review.
- (ii) Landscaping Plan Required.** Submittal of a landscape plan is required. All landscape plans must conform to the requirements in subsection (6)(e)(i)(ee) (Landscape Plans).
- (iii) Landscape Area Standards.** The minimum percentage of required landscaping equals:
- (aa) General Industrial (GI) Zone.** 20 percent of the site.
- (bb) Light Industrial (LI) Zone.** 10 percent of the site.
- (iv) Landscape Materials.** Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.
- (aa) Existing Vegetation.** Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or abutting to parking areas) the applicant is permitted to reduce the number of new trees required by a ratio of one (1) inch caliper of new tree(s) for every one (1) inch caliper of existing tree(s) protected.
- (bb) Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers must be used for all planted areas, the selection of which must be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils must be amended, as necessary, to allow for healthy plant growth.
- (cc) Non-native, invasive plants.** Non-native, invasive plants must be removed during site development and the planting of new invasive species is prohibited.



- (dd) **Hardscape features.** Includes patios, decks, plazas and similar features. These features may cover up to ten 10 percent of the required landscape area.
- (ee) **Ground Cover Standard.** All landscaped areas, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material, must have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy within three (3) years of planting.
- (ff) **Tree Size.** Trees must have a minimum diameter or caliper 4 feet above grade of two [2] inches or greater at time of planting.
- (gg) **Shrub Size.** Shrubs must be planted from a minimum of 3 gallon containers or larger.
- (hh) **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used, but must cover no more than 25 percent of the area to be landscaped and must be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
- (ii) **Stormwater Management Facilities.** Stormwater management facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under subsection (16)(d), must be landscaped in accordance with the design requirements of that subsection.
- (v) **Landscape Design Standards.** All yards, parking lots, and required street tree planter strips must be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:
  - (aa) **Yard Setback Landscaping.** Landscaping in yards must:
    - (A) Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
    - (B) Use shrubs and trees as wind breaks where appropriate;
    - (C) Define pedestrian pathways and open space areas with landscape materials where appropriate;
    - (D) Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants where appropriate;

- (E) Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;
- (F) Use a combination of plants for year-long color and interest;
- (G) Screen outdoor storage and mechanical equipment areas in accordance with subsection (11)(d) below, and to enhance graded areas such as berms, swales, and detention/retention ponds or swales.

- (bb) **Parking areas.** A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, must be landscaped. Such landscaping must consist of “evenly distributed” shade trees where practical, with shrubs and/or ground cover plants that conform to the criteria in subsection (11)(b)(iv)(aa-ii) above.

“Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy where practical. Required trees may be clustered to provide visual interest. At a minimum, one tree per 6 parking spaces on average must be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 50 spaces must include landscape islands with trees to break up the parking area so that no parking space is more than 70 feet away from a landscape island. All parking area landscape beds must have dimensions of not less than 24 square feet of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.

- (cc) **Parking/Maneuvering Area Abutting to Building.** Where a parking or maneuvering area, or driveway, is abutting to a building, the area must be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width along the length of the abutting area. Raised curbs, bollards, wheel stops, or other design features must be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

(vi) **Buffering**

- (aa) A 20-foot minimum buffer zone is required between Industrial development in either the GI or LI zone and any abutting residential or resource zoned property. The buffer zone must be landscaped according to the landscaping provisions of this subsection to screen industrial activities such as parking, service and delivery areas, from residential or resource zones. The buffer must not contain any trash receptacles or storage of equipment, materials, vehicles, or mechanical equipment, etc.

For uses that require a Special Use Permit, the approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in this subsection when it finds through Special Use Permit review, subsection (7), that additional or different buffering is necessary to mitigate adverse impacts from parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations to and protect the privacy.

- (bb) Pedestrian Access.** The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways must conform to subsection (10), Parking and Loading.
- (vii) Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged. Irrigation must be provided. If the plantings fail to survive, the property owner must replace them within 6 months with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All human-made features required by this Chapter must be maintained in good condition, or otherwise replaced by the owner.
- (c) Fences and Walls.** Construction of fences and walls must conform to all of the following requirements:

  - (i) General Requirements.** All fences and walls must comply with the development standards and height limitations of the respective zone, subsection (9) Development Standards, and the standards of this subsection. The County may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a Special Use Permit, or Site Design Review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review approval; if greater than 6 feet in height, a building permit is also required.
  - (ii) Dimensions**

    - (aa)** Except as provided under subsection (11)(d), Screening, below, the height of fences and walls within a front yard setback is limited to 4 feet as measured from the grade closest to the street right-of-way.
    - (bb)** A retaining wall exceeding 4 feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or Site Design Review.
    - (cc)** One arbor, gate, or similar garden structure not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle, unless approved through a Special Use Permit.

- (dd) Fences and walls must comply with the vision clear zone of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40).
- (iii) **Maintenance.** For safety and for compliance with the purpose of this subsection, walls and fences required as a condition of development approval must be maintained in good condition, or otherwise replaced by the property owner.
- (iv) **Materials**

  - (aa) Permitted fence and wall materials: wood; metal; bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.
  - (bb) Prohibited fence and wall materials: concrete blocks; straw bales; barbed or razor wire; scrap lumber, metal, or other scrap materials; hedges higher than 8 feet.
  - (cc) Fences or walls that are taller than 6 feet may require a building permit.
- (v) **Fencing**

  - (aa) **Perimeter Fencing.** Lot perimeter fencing is only permitted within the Industrial zones under the conditions set forth in Table 11-1, Fencing Conditions.
  - (bb) **Standard Fencing.** Standard non-decorative fencing may be installed in areas not visible from street rights of way or adjoining properties within the Industrial zones. Standard fencing also may be used as specified in Table 9-1. A minimum quality of standard fencing is black vinyl-coated chain link.
  - (cc) **Upgraded Fencing.** Upgraded fencing must be provided as specified in Table 11-1. Upgraded fencing is intended to provide limited security, discourage trespass, and provide an informative demarcation between uses (e.g., public / private, institutional / private / public, etc.). Design considerations for upgraded fencing must include:

    - (A) Simplicity as opposed to excessive ornamentation.
    - (B) Low maintenance / ease of landscape maintenance on each side.
    - (C) Respect for the design theme of established development on abutting parcels.
    - (D) A clear relationship to the building's architecture.
    - (E) Consideration of a standard design where a large property shares a common boundary with several smaller properties.
  - (dd) **Architectural Screen Walls.** Architectural screen walls must be used to screen service and loading areas; above-ground utilities such as transformers and generators, exterior material and equipment storage areas, work yards, and trash and/or recycling areas. Architectural screen walls may be used to screen other on-site amenities such as private patios and employee break areas. Architectural screen walls must be integrated

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into the overall building architectural statement, employing materials and colors drawn from the building design palette. The required size of an area enclosed by an architectural screen wall is the minimum necessary to accommodate the facility or operation that is to be screened.

- (vi) **Fencing on Steep Slopes.** Properties with more extreme variations in topography (e.g., substantial slopes abutting to relatively flat areas) must employ fencing and/or screening design approaches that are thoughtfully integrated with the site's unique characteristics while fulfilling the overall functional intent of these features. Stair-step fence profiles are not allowed.

**Table 11-1 Fencing Conditions**

| Condition   | Sub-condition                                       | Required Treatment<br>(Minimum Standard) |
|---|---|--|
| Property line adjacent to a public right of way.                            | Improved right of way.                              | Upgraded fencing.                        |
|   | Unimproved right of way.                            | No requirement prior to development.     |
| Property line adjacent to the railroad right of way.                        |   | Standard Fencing.                        |
| Property line on the west or south perimeter of the Goshen Industrial area. | Adjacent to residential or resource zoned property. | Standard Fencing.                        |
|   | Adjacent to Commercial zoned property.              | Upgraded Fencing.                        |
|   | Adjacent to permanent open space.                   | Upgraded Fencing.                        |
|   | Adjacent to Public Facility zoned property.         | Standard Fencing                         |
| Property line adjacent to a park or open space.                             |   | Upgraded Fencing.                        |
| Property line on the east perimeter of the Goshen Industrial area.          | Adjacent to residential or resource zoned property. | Upgraded Fencing.                        |
|   | Adjacent to commercial zoned property.              | Upgraded Fencing.                        |
| Fencing/Screening around a Loading or Exterior storage area.                | Visible from the right of way.                      | Architectural Screen Wall.               |
|   | Not visible from the right of way.                  | Standard Fencing.                        |
| Screening around a trash and/or recycling enclosure or exterior storage.    |   | Architectural Screen Wall.               |
| Fencing around a secure parking lot.  | Visible from the right of way.                      | Upgraded Fencing.                        |
|   | Not visible from the right of way.                  | Standard Fencing.                        |

**(d) Screening**

**Screening Required.** Screening is required under the following conditions:

- (i) **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, must be screened from view from all abutting public streets and abutting residential or resource zones. This required screening is required to be a minimum of 6 feet in height and provided by:

- (aa) a decorative wall (i.e., masonry or similar quality material);
- (bb) evergreen hedge;
- (cc) opaque fence complying with subsection (11)(c); or
- (dd) a similar feature that provides an opaque barrier.

Walls, fences, and hedges must comply with the vision clearance requirements of Lane Code (LC) 15.095(3) and as defined in LC 15.010(40) and provide for

pedestrian circulation, in accordance with subsection (10), Access and Circulation.

- (ii) **Parking/Maneuvering Area Abutting Streets and Drives.** Where a parking or maneuvering area is abutting and parallel to a street or driveway, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; or arcade, trellis, or similar partially opaque structure 3-4 feet in height is required between the parking or maneuvering area and the street or driveway. The required screening must have breaks, where necessary, to allow pedestrians access to the site. The design of the wall or screening must also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard must be a minimum of 36 inches in height within three (3) years of planting, and must be of such species, number, and spacing to provide the required screening within three (3) years after planting. Any areas between the wall/hedge and the street/driveway line must be landscaped with plants or other vegetative ground cover.
- (iii) **Flag Lot Screen.** In approving a flag lot, the County may require a landscape screen, fence or both be installed along property line(s) of the flag lot, for privacy of adjoining property, in accordance with the provisions of this subsection. A flag lot screen is not required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at the owner's discretion.

## (12) **Parking and Loading**

- (a) **Purpose.** The purpose of this subsection, Parking and Loading, is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some employment areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This subsection recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This subsection also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.
- (b) **Applicability.** All developments subject to Site Design Review, subsection (6) including development of parking facilities, must comply with the provisions of this subsection.
- (c) **Automobile Parking Standards**
  - (i) **Vehicle Parking - Minimum Standards by Use.** The number of required off-street vehicle parking spaces must be determined in accordance with the standards in Table 12-1, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Special Use Permit approval. Where a use is not specifically listed in this table, parking requirements are

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determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.



**Table 12-1 – Minimum Required Parking by Use**

| <b>Use Categories</b><br>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)            | <b>Minimum Parking per Land Use</b><br>(fractions rounded down to the closest whole number) |
|--|---|
| <b>Commercial Categories</b>   |   |
| Offices  | 2 spaces per 1,000 sq. ft. floor area   |
| Self-Service Storage   | No standard   |
| <b>Industrial Categories</b>   |   |
| Industrial Service   | 1 space per 1,000 sq. ft. of floor area   |
| Manufacturing and Production   | 1 space per 1,000 sq. ft. of floor area   |
| Warehouse and Freight Movement   | 0.5 space per 1,000 sq. ft. of floor area   |
| Wholesale Sales <ul style="list-style-type: none"> <li>- fully enclosed</li> <li>- not enclosed</li> </ul> | 1 space per 1,000 sq. ft.<br>per SUP review (subsection (7))                                |

**(ii) Vehicle Parking - Minimum Accessible Parking**

- (aa)** Accessible parking must be provided for all uses in accordance the standards in Table 12-2; parking spaces used to meet the standards in Table 12-2 are counted toward meeting off-street parking requirements in Table 12-1;
- (bb)** Such parking must be located in close proximity to building entrances and must be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
- (cc)** Accessible spaces must be grouped in pairs where possible;
- (dd)** Where covered parking is provided, covered accessible spaces must be provided in the same ratio as covered non-accessible spaces;
- (ee)** Required accessible parking spaces must be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs must be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces must be specifically identified as such.

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**Table 12-2 - Minimum Number of Accessible Parking Spaces**

(Source: ADA Standards for Accessible Design)

| Total Number of Parking Spaces Provided (per lot)   | Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*) | Van Accessible Parking Spaces with min. 96" wide access aisle | Accessible Parking Spaces with min. 60" wide access aisle |
|---|---|---|---|
|   | <i>Column A</i>   |   |   |
| 1 to 25   | 1   | 1   | 0   |
| 26 to 50  | 2   | 1   | 1   |
| 51 to 75  | 3   | 1   | 2   |
| 76 to 100   | 4   | 1   | 3   |
| 101 to 150  | 5   | 1   | 4   |
| 151 to 200  | 6   | 1   | 5   |
| 201 to 300  | 7   | 1   | 6   |
| 301 to 400  | 8   | 1   | 7   |
| 401 to 500  | 9   | 2   | 7   |
| 501 to 1000   | 2% of total parking provided in each lot  | 1/8 of Column A**   | 7/8 of Column A***  |
| 1001  | 20 plus 1 for each 100 over 1000  | 1/8 of Column A**   | 7/8 of Column A***  |
| *vans and cars may share access aisles<br>**one out of every 8 accessible spaces                      ***7 out of every 8 accessible parking spaces |   |   |   |

(iv) **On-Street Parking.** On-street parking must conform to the following standards:(aa) **Dimensions.** The following constitutes one on-street parking space:

- (A) Parallel parking, each 22 feet of uninterrupted curb;
- (B) 45 degree diagonal, each with 12 feet of curb;
- (C) 90 degree (perpendicular) parking, each with 12 feet of curb.

(bb) **Location.** Parking may be counted toward the minimum standards in Table 12-1 when it is on the block face abutting the subject land use. On-street parking spaces must be located such that when occupied they do not obstruct a required clear vision area and do not violate any law or street standard.

(cc) **Public Use Required for Credit.** On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but must be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

- (v) **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The County may approve owner requests for shared parking through Land Use Review.
- (vi) **Off-site parking.** Except for single-family dwellings, the required vehicle parking spaces may be located on another parcel of land, provided the parcel is within ¼ mile of the use it serves and the County has approved the off-site parking through a Special Use Permit. The distance from the parking area to the use is measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
- (vii) **General Parking Standards**
  - (aa) **Location.** Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Subsection (10), Access and Circulation, provides design standards for driveways. Street parking spaces must not include space in a vehicle travel lane (including emergency or fire access lanes), pedestrian accessway, landscape, or other undesignated area.
  - (bb) **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking is the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g., the uses operate on different days or at different times of the day). The County may reduce the total parking required accordingly through Site Design Review.
  - (cc) **Availability of facilities.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs must conform to the standards of subsection (15), Signs.
  - (dd) **Lighting.** Parking areas must have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Lighting must meet the requirements of subsection (14), Outdoor Lighting Standards.
  - (ee) **Screening of Parking Areas.** Parking spaces must be located or screened so that headlights do not shine onto abutting residential or resource uses. Screening for this purposed must meet the requirements of subsection (11)(d), Screening.

- (ff) **Parking and Loading Setback.** Where an Industrial zone abuts a residential or resource zone, any off-street parking and loading areas must be set back at least 20 feet from the abutting residential or resource property line and the setback area must be landscaped to provide a buffer along the adjoining residential or resource property. Landscaping must be maintained by the property owner and must meet the standards of subsections (11)(b), Landscaping.
- (gg) **Parking and Circulation.** No vehicle circulation or parking except for access driveways must be permitted within any required minimum front yard setback area.
- (viii) **Parking Stall Design and Minimum Dimensions.** All off-street parking spaces must be improved to conform to County standards for surfacing, stormwater management, and striping or as otherwise allowed in Chapter 16.280. Standard parking spaces must conform to the following standards:

  - (aa) Motor vehicle parking spaces must measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;
  - (bb) All parallel motor vehicle parking spaces must measure eight (8) feet six (6) inches by twenty-two (22) feet;
  - (cc) Parking area layout must conform to the dimensions in Figure 12-1 and 12-2, and Table 12-3 below;
  - (dd) Parking areas must conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and
  - (ee) Bicycle parking must be on a two (2) feet by six (6) feet minimum concrete pad per bike, or within a garage or patio of residential use. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device.

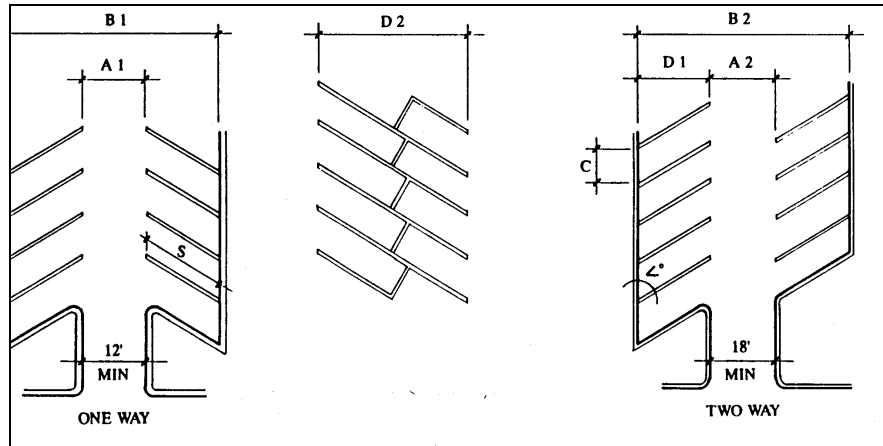
**Figure 12-1 - Parking Area Layout**

At left margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted  
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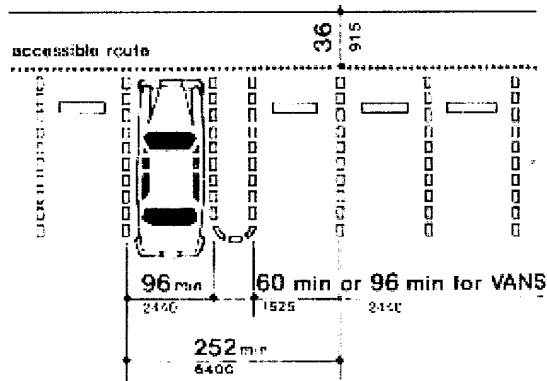
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**Figure 12-2 ADA Parking Requirements**



**Table 12-3 - Parking Area Layout**

| Standard Space<br><br>(See Figure 10-2 for ADA space requirements) | PARKING ANGLE | CURB LENGTH | STALL DEPTH |           | AISLE WIDTH |            | BAY WIDTH  |            | STRIPE LENGTH |
|--|---------------|-------------|-------------|-----------|-------------|------------|------------|------------|---------------|
|  |               |             | SINGLE D1   | DOUBLE D2 | ONE WAY A1  | TWO WAY A2 | ONE WAY B1 | TWO WAY B2 |               |
|  | 90°           | 8'-6"       | 18'         | 36'       | 23'         | 23'        | 59'        | 59'        | 18'           |
|  | 60°           | 10'         | 20'         | 40'       | 17'         | 18'        | 57'        | 58'        | 23'           |
|  | 45°           | 12'         | 18'-6"      | 37'       | 13'         | 18'        | 50'        | 55'        | 26'-6"        |
|  | 30°           | 17'         | 16'-6"      | 33'       | 12'         | 18'        | 45'        | 51'        | 32'-8"        |
|  | 0°            | 22'         | 8'-6"       | 17'       | 12'         | 18'        | 29'        | 35'        | 8'-6"         |

**Important cross-references:**

See also subsection (10), Access and Circulation, for driveway standards; subsection (11), Landscaping, Fences, Walls and Screening; and subsection (16)(d), Stormwater Management.

- (d) **Bicycle Parking Requirements.** All uses that are subject to Site Design Review must provide bicycle parking, in conformance with the standards in Table 12-4, and subsections (i-viii), below.
- (i) **Minimum Required Bicycle Parking Spaces.** Uses must provide long- and short-term bicycle parking spaces, as designated in Table 12-4. Where two options are provided (e.g., 2 spaces, or 1 per 12,000 square feet of floor area), the option resulting in more bicycle parking is used.

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**Table 12-4 - Minimum Required Bicycle Parking Spaces**

| Use Categories                 | Specific Uses | Long-term Spaces<br>(covered or enclosed) | Short-term Spaces<br>(near building entry) |
|--------------------------------|---------------|---|--|
| <b>Commercial Categories</b>   |               |   |  |
| Retail Sales And Service       |               | 2, or 1 per 12,000 sq. ft. of floor area  | 2, or 1 per 5,000 sq. ft. of floor area    |
| Office                         |               | 2, or 1 per 10,000 sq. ft. of floor area  | 2, or 1 per 40,000 sq. ft. of floor area   |
| <b>Industrial Categories</b>   |               |   |  |
| Manufacturing And Production   |               | 2, or 1 per 15,000 sq. ft. of floor area  | None                                       |
| Warehouse And Freight Movement |               | 2, or 1 per 40,000 sq. ft. of floor area  | None                                       |

- (ii) **Exemptions.** This subsection does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.
- (iii) **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Bicycle parking must consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device;
- (iv) **Visibility and Security.** Bicycle parking for customers and visitors of a use must be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- (v) **Options for Storage.** Long-term bicycle parking requirements for employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- (vi) **Lighting.** For security, bicycle parking must be at least as well lit as vehicle parking.
- (vii) **Reserved Areas.** Areas set aside for bicycle parking must be clearly marked and reserved for bicycle parking only.
- (viii) **Hazards.** Bicycle parking must not impede or create a hazard to pedestrians. Parking areas must be located so as to not conflict with any vision clear zone.

(e) **Loading Areas**

- (i) **Purpose.** The purpose of this subsection of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.
- (ii) **Applicability.** Subsection (12)(e) applies to non-residential and mixed-use buildings with 20,000 square feet or more total floor area.
- (iii) **Number of Loading Spaces**
  - (aa) Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses must meet the following standards:
    - (i) Less than 20,000 square feet total floor area: No loading spaces required.
    - (ii) 20,000 to 50,000 square feet of total floor area: One loading space.
    - (iii) More than 50,000 square feet of total floor area: Two loading spaces.
- (iv) **Size of Spaces.** Required loading spaces must be at least 35 feet long and 10 feet wide, and must have a height clearance of at least 13 feet.
- (v) **Placement, setbacks, and landscaping.** Loading areas must conform to the setback and perimeter landscaping standards in subsection (9) Development Standards, and subsection (11) Landscaping, Fences, Walls and Screening. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

### (13) Noise Standards

All new development must be designed and constructed so that operation of the uses on the property will comply with the State of Oregon Noise Control Regulations contained in Oregon Administrative Rule (OAR) 340-035-0005 thru 340-035-0100, where applicable. The County requires as an ongoing condition of approval that these standards are met.

### (14) Outdoor Lighting Standards

- (a) **Purpose.** The purpose of this subsection, Outdoor Lighting Standards is to allow citizens, businesses, and public agencies in the community of Goshen to illuminate commercial, industrial, public areas, roadways and walkways with lighting fixtures appropriate to the need while using such illumination in a way that preserves vistas and is directed onto and is confined to the property from which the light is generated.
- (b) **Outdoor Lighting Fixtures Subject to this Ordinance.** Light fixtures subject to the standards in subsection (14)(c) are outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for



flood lighting, general illumination or advertisement. Such devices must include, but are not limited to, lights for:

- (i) Buildings and structures;
- (ii) Recreational areas;
- (iii) Parking lot and maneuvering areas;
- (iv) Landscape areas;
- (v) Streets and street signs;
- (vi) Product display area;
- (vii) Building overhangs and open canopies;
- (viii) Holiday celebrations;
- (ix) Construction Lights;

(c) **Standards for installation and operation of outdoor lighting.** Except as exempt by subsection (14)(d) new outdoor lighting fixtures installed after the effective date of this subsection, are subject to the standards below. No provision of this subsection is intended to pre-empt the Lane County Sign Code or applicable state codes.

- (i) All outdoor lighting fixtures subject to this subsection must be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto abutting properties.
- (ii) All lighting for roadways, roadway signs, intersections, and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.
- (iii) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- (iv) The operation of searchlights for advertising or promotional purposes is prohibited.
- (v) Businesses and institutions with outdoor lighting, such as parking lot lights, building lights, landscaping lights and other similar exterior lighting features, are encouraged to extinguish such lights at the end of the working day, except for lights necessary for personal and building safety.
- (vi) Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial shopping complexes; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the Lane County Sign Code.

(d) **Exemptions.** The following light fixtures or uses are exempt from complying with the outdoor lighting standards of this ordinance. These exemptions do not prevent the

County from adoption of later ordinances that may address the retrofitting or removal of outdoor lighting fixtures.

- (i) All outdoor light fixtures lawfully installed and operating prior to the effective date of this ordinance, and not prohibited by this ordinance. This exemption does not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged to help improve safety and quality of life in the community of Goshen and the surrounding areas.
  - (ii) Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine visible glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.
  - (iii) Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and do not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year round dense evergreen tree canopies which will contain or limit illumination of the sky.
  - (iv) Low wattage lights used for holiday decorations for no more than 60 days are exempt from the requirements of this ordinance.
  - (v) Outdoor mass gatherings, as defined by ORS 433.735, that do not require a land use decision, that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
  - (vi) U.S. flags displayed by top mounted lighting only. The illumination of all flags other than the U.S. flag must be extinguished at the end of public business hours or by 10:00 PM whichever is later.
  - (vii) Temporary lighting for television or movie film productions, roadway or utility construction or building construction not to exceed 60 days in any one vicinity. Permanent installations at dedicated sites must conform to the requirements of this ordinance.
  - (viii) All outdoor light fixtures used to highlight art features within a traffic circle or round-about providing they are properly aimed and shielded to not shine visible glare into the public right of way or onto abutting or nearby properties.
- (e) **Definitions.** The following definitions apply to terms in this subsection.
- (i) End of business hours or End of business. “End of business hours or end of business” means the end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a

shift or normal work hours when the majority of employees are gone from the business or institution.

- (ii) Full Cut-off. "Full Cut-off" means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane. [See figure 14-1 below]
- (iii) Glare. "Glare" means stray, unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance.
- (iv) High intensity discharge lighting. "High intensity discharge lamp lighting" means high pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps.
- (v) Installed. "Installed" means initial installation of outdoor lighting fixtures, poles, electrical wiring, and related mounting equipment following the effective date of this ordinance. Projects with approved construction plans prior to effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.
- (vi) Low Wattage lights. "Low Wattage Lights" means 12-volt direct current lights or individual lamps less than 0.25 watts each strung together within a translucent or transparent plastic cover.
- (vii) Replacement. "Replacement" means the installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket or wall, tree, or other structure. Replacement does not mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.
- (viii) Safety / security. "Safety" means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cut-off light fixtures above doors, at fire service stanchions, loading areas, and similar building access points.
- (ix) Shielding. "Shielding" means an externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque painted glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination or glare onto abutting or nearby property.
- (x) Unshielded. "Unshielded" means light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare onto abutting or nearby property.
- (xi) Up-lighting. "Up lighting" means a shielded light fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained distribution

pattern above the horizontal plane to illuminate an abutting or nearby building element, shrub, tree or other landscaping.

**Figure 14-1 Examples of full cut off light fixtures (typical)**



**(15) Signs**

- (a) Signs may not extend over a public right-of-way or project beyond the property line.
- (b) Signs may be illuminated but may not be flashing or capable of movement.
- (c) Signs may not exceed 100 square feet of surface area on any one of two sides.
- (d) Signs may not project above the height of the tallest structure on the property.
- (e) Signs may only advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above.

**(16) Utility Facilities**

**(a) Purpose and Applicability**

- (i) **Purpose.** The purpose of this subsection, Utility Facilities is to provide planning and design standards for public or private utilities and easements for transportation, sewer, water, and storm drainage improvements.
- (ii) **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of utilities, and other private improvements must comply with the standards of this subsection. Public and private facilities related to a particular development must comply with the public facility requirements established in this subsection.
- (iii) **Engineering Design Criteria, Standard Specifications and Details.** The County's specifications, standards, and details

contained in Lane Manual 15.450 are hereby incorporated into this code by reference.

- (iv) **Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of Lane Code. On-site improvements required as a condition of development approval, when not voluntarily accepted by the applicant, must be roughly proportional to the impact of the development on public facilities. Where on-site improvements are required, the Approval Authority must include findings in the development approval indicating how the required improvements are directly related and roughly proportional to the impact from the proposed development.

**(b) Roads**

Development subject to the provisions of this section (16.280) of Lane Code must comply with Lane Code Chapter 15, Roads, except as provided below.

- (i) **Traffic Impact Analysis Requirements.** The County may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with LC 15.697.

**Exception:** Lane Code 15.697 does not apply to any development proposal that if approved will result in an increase of less than 50 peak hour automobile trips.

However, all developments must at a minimum provide a trip generation or debit letter to document how many trips are associated with the proposed use.

- (c) **Sanitary Sewer and Water Service Improvements.** The proposed use and development must not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

The proposed use and development must not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information must be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available. Approval of an on-site sewage disposal system from the property approval authority must constitute adequate factual information to demonstrate compliance with sewer component of this standard.

When a community water or sewer system is proposed to provide service to a use or development, the following standards apply:

- (i) **Sewers and Water Mains Required.** Sanitary sewers and water mains must be installed to serve each new development and to connect developments to existing mains in accordance with the County's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements must also be stubbed with the streets, except as may be waived by the County Engineer.
- (ii) **Sewer and Water Plan Approval.** Development permits for sewer and water improvements will not be issued until the County Engineer has approved all sanitary sewer and water plans in conformance with County standards.
- (iii) **Over-Sizing.** The County may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the County may grant the developer credit toward any required system development charge for the same.
- (iv) **Inadequate Facilities.** Development permits may be restricted by the County where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

(d) **Stormwater Management Requirements**

- (i) **General Provisions.** The County will issue a development permit only where adequate provisions for stormwater and flood water runoff have been made in conformance with the stormwater management requirements set forth in this subsection 16.280(d).

Connections to drainage facilities within the County right-of-way must be authorized through facility permits issued by the Director in accordance with ORS 374.305 through 374.340.

- (ii) **Definitions.** For the purposes of this Section and the Stormwater Management Manual, the following definitions apply:

- (aa) **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."
- (bb) **Biofiltration.** Deliberate filtering of sediments and other pollutants from stormwater runoff by directing flow through a vegetated area.
- (cc) **Channel Maintenance.** Periodic removal of debris, sediment, vegetation, litter and other material within the bed or banks of a stream or channel recognized as part of the city's stormwater drainage system, and performed by the city or in accordance with county policy.
- (dd) **Channelize, Channelizing.** Human alteration of the bed or banks of a natural stream or river to maintain or increase its conveyance or capacity characteristics without maintaining its natural character, typically by straightening its course, increasing its depth and removing obstructions in the bed or on the banks.
- (ee) **Constructed Wetlands.** A facility that exhibits wetland characteristics but was constructed for the express purpose to perform a utility need, such as a sedimentation pond, and is not eligible for mitigation credit or subject to the jurisdictional requirements of federal and state wetland law.
- (ff) **Easement of Record.** A valid easement that is recorded and on file at the Lane County Recorder's office.
- (gg) **Enhancement.** To increase or improve natural values in one or more of the following ways:
- Increasing the wildlife habitat value by increasing the supply and diversity of natural food sources throughout the year, increasing the diversity and duration of water features throughout the year or increasing the diversity in size and structure of plants.
  - Improving water quality by reducing the amount of pollutants entering the water or removing pollutants already in the water.
  - Improving the natural character by encouraging and allowing natural vegetation to grow in natural patterns according to soil and water conditions.



- Removing litter, refuse and unnatural fill.
  - Improving the capacity of the area to contain, detain or filter stormwater runoff.
- (hh) **Flood, or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
- The overflow of inland or tidal waters; or
  - The unusual and rapid accumulation of runoff of surface waters from any source.
- (ii) **Flood control design storm.** A theoretical storm for evaluating the capacity of the storm drainage system and designing improvements for the required level of protection, in accordance with the Stormwater Management Manual.
- (jj) **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (kk) **Flood Insurance Study.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (ll) **Floodway.** The channel of a river or other watercourse and the adjacent land areas designated as a floodway by the Federal Emergency Management Agency.
- (mm) **Flow control facility.** Any structure or drainage device that is designed, constructed, and maintained to collect, retain, infiltrate, or detain surface water runoff during and after a storm event for the purpose of controlling post-development water quantity leaving the development site.
- (nn) **Goal 5 Water Resource Site.** The resource site as identified in the Goal 5 Water Resources Conservation Plan. For riparian corridor and upland wildlife habitat sites, the Goal 5 Water Resource Site includes the stream and riparian areas that may extend beyond applicable conservation setbacks. Wetland sites include only the wetland, itself.



- (oo) **Grassy Swales.** Shallow ditches lined with grass or other vegetation for the purpose of filtering sediments and other pollutants from stormwater runoff.
- (pp) **Impervious surface/area.** Any surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from conditions pre-existing to development. Types of impervious surface include, but are not limited to, rooftops, asphalt and concrete parking lots, driveways, roads, sidewalks, and pedestrian plazas. *Note:* Slatted decks are considered pervious. Gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8.
- (qq) **Natural Drainageways.** Natural rivers, streams, channels, creeks, or other areas that naturally convey stormwater runoff or portions thereof that have not been channelized, and which retain a predominantly natural character.
- (rr) **Natural Functions and Values.** Characteristics of a site that contribute to the healthy and effective functioning of natural processes on the site, along with the contribution made by the site to the healthy and effective functioning of the larger natural resource system of which the site is a part; including but not limited to improvement of water quality, provision of food, water and cover for wildlife, storage capacity for flood waters, protection against erosion, sediment removal, fisheries habitat, and groundwater recharge or discharge.
- (ss) **Natural Resource Area.** The area within the mapped boundaries of any locally inventoried wetland, pond, stream, channel, river, lake or upland wildlife habitat area.
- (tt) **Oil control facility.** Any structure or drainage device that is designed, constructed, and maintained to remove oil and grease from storm runoff.
- (uu) **Open Waterway.** A natural or human-made swale, creek, stream, open channel, ditch or other similar water feature, that has a defined and identifiable channel with slopes, that is predominantly of earthen material, and that has the specific function of conveying and/or storing stormwater runoff.

- (vv) **Property suspected or known to contain contaminants in the soil or groundwater.** Any real property where the presence of any hazardous substance or petroleum product indicates an existing release, past release, or threatened release of a hazardous substance or petroleum product into the ground, ground water, or surface water of the property.
- (ww) **Protected Wetland, Protected Natural Resource.** A wetland or other natural resource identified for protection in an adopted plan.
- (xx) **Stormwater Management Manual.** For purposes of this Section, the Stormwater Management Manual means the City of Eugene Stormwater Management Manual (April 2008 version), which has been adopted and incorporated by reference, and made applicable to the area subject to this Section 16.280.
- (yy) **Stormwater Management Facility.** Any structure or configuration of the ground that is used or, by its location, becomes a place where stormwater flows or is accumulated, including but not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, ponds, open drainage ways, runoff control facilities, wetlands, and their accessories.
- (zz) **Water Features.** Permanent or intermittent bodies of water, including streams, ponds, rivers, lakes, drainage channels, open waterways and jurisdictional wetlands.
- (aaa) **Water Quality Design Storm.** A theoretical storm for estimating the amount of stormwater runoff to be treated. Facilities designed to store and treat a volume of stormwater must be sized in accordance with the Stormwater Management Manual.
- (bbb) **Wetland.** Any parcel or portion of a parcel which meets the state or federal definition of wetlands that are under the jurisdiction of state or federal laws.
- (ccc) **Wetland Boundary.** Any mapped wetland boundary produced by methods consistent with state and federal law and policy and for which a concurrence has been made in writing by the applicable state or federal agencies.

- (iii) **Stormwater Management Manual.** In order to implement applicable stormwater management requirements, Lane County has adopted and incorporated by this reference the April 2008 version of the City of Eugene Stormwater Management Manual as part of this Section 16.280 by Ordinance No. 13-2.

The Lane County Land Management Division will maintain and make available to the public copies of the Stormwater Management Manual.

(iv) **Flood Control.**

- (aa) **Purpose.** The purpose of Flood Control standards is to protect life and property from flood and drainage hazards by maintaining the capacity of the County's stormwater conveyance system through the establishment of destination regulations for stormwater runoff from development.
- (bb) **Applicability and Exemptions.** Destination standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.
- (cc) **Standards.** Surface discharges from onsite facilities must be discharged to an approved drainage facility. On-site infiltration is the preferred stormwater destination for all developments. Stormwater drainage facilities must be designed and constructed according to adopted plans and policies, and in accordance with the stormwater destination provisions and the facility design requirements set forth in the Stormwater Management Manual. Stormwater management must avoid a net negative impact on nearby streams, wetlands, groundwater and other water bodies. All local, state, and federal permit requirements related to implementation of stormwater management must be met by the owner/operator prior to facility use.
- (dd) **Underground Injection Control Systems.** Stormwater runoff disposed of in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule

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Chapter 340, Section 044. To utilize Underground Injection Controls for stormwater management the owner/operator must obtain authorization from the Oregon Department of Environmental Quality prior to facility use.

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(v) **Stormwater Pollution Reduction.**

- (aa) **Purpose.** The purpose of Stormwater Pollution Reduction standards is to reduce the impacts of development on water quality by providing standards for the capture and treatment of stormwater runoff from development.
- (bb) **Applicability and Exemptions.** Water Quality standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.
- (cc) **Standards.** The quality of the stormwater leaving the site after development must be equal to or better than the quality of the stormwater leaving the site before development, as much as is practicable based upon the following:
  - (A) Applications must include pollution reduction facilities selected from the Stormwater Management Manual as follows:
    - (i) For land use applications for undeveloped land, the selected pollution reduction facilities must treat all the stormwater runoff from the development site that will result from the water quality design storm;
    - (ii) For land use applications that change or add development to an already developed site, the selected pollution reduction facilities must treat the stormwater runoff from all added and replaced impervious surface that will result from the water quality design storm;
    - (iii) For development permit applications, the selected pollution reduction facilities must treat all stormwater runoff from all new or replaced impervious surface, or an equivalent on-site area, that will

result from the water quality design storm;

- (B) All pollution reduction facilities must be sited, designed and constructed according to the pollution reduction provisions and the facility design requirements set forth in the Stormwater Management Manual.

(vi) **Stormwater Flow Control.**

- (aa) **Purpose.** The purpose of Stormwater Flow Control standards is to protect waterways from the erosive effects of increases in stormwater runoff peak flow rates and volumes resulting from development.
- (bb) **Applicability and Exemptions.** Flow Control standards apply to all developments adding or redeveloping more than 1,000 square feet of impervious surfaces unless the replacement of more than 1,000 square feet of impervious surface is for purposes of maintenance or repair for the continuance of the current function on the development site.
- (cc) **Standards.** The quantity and flow rate of stormwater leaving the site after development must be equal to or less than the quantity and flow of stormwater leaving the site before development, as much as practicable, based on the following criteria:
  - (A) Applications must demonstrate, using methodology in the Stormwater Management Manual, that peak rates of flow delivered to an existing open waterway will not increase during storms larger than the water quality design storm and smaller than the flood control design storm as a result of the development that is the subject of the application;
  - (B) All facilities to control the rate of stormwater runoff must be sited, designed and constructed according to the flow control provisions and the facility design requirements set forth in the Stormwater Management Manual. Flow control facilities must be designed using one of the methodologies outlined in the Stormwater Management Manual.

**(vii) Stormwater Oil Control.**

- (aa) Purpose.** The purpose of Stormwater Oil Control standards is to protect the County's stormwater system from oil and grease from stormwater runoff of impervious surface areas on properties that produce high concentrations of these pollutants.
- (bb) Applicability.** Oil control standards apply to:
  - (A)** All new commercial and industrial development with parking lots that store wrecked or impounded vehicles; or
  - (B)** Any development that would result in an expected daily traffic count greater than one hundred vehicles per 1,000 square feet of gross building area, based on the most recent version of The Institute of Transportation Engineers' Trip Generation Manual; or
  - (C)** Any development that would result in 100 or more off-street parking spaces.
- (cc) Standards.** All oil control facilities must be sited, designed and constructed according to the oil control provisions and the facility design requirements set forth in the Stormwater Management Manual.

**(viii) Stormwater Source Controls.**

- (aa) Purpose.** The purpose of Stormwater Source Control standards is to prevent stormwater pollution by eliminating pathways that may introduce pollutants into stormwater.
- (bb) Applicability and Exemptions.** Except as exempted below and except when the source control would duplicate source controls required by a state or federal permit obtained by the applicant, source control standards apply to all land use applications, development permits and tenant improvements that result in any of the defined site uses or characteristics listed in below.
  - (A)** Fuel dispensing facilities and surrounding traffic areas where vehicles, equipment, or tanks are refueled on the premises. A fuel dispensing facility is the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers. Exempt from this subsection are:

- (i) Propane tanks.
  - (ii) Fuel dispensing areas generally used to service oversized equipment, for example cranes, that cannot maneuver under a roof or canopy.
  - (iii) Existing fueling areas where scope of work is limited to a new canopy installation over an existing fuel pad that is not being upgraded, an underground tank replacement for compliance with state regulations, or the replacement of a fuel pump on an existing fuel pad that is not being upgraded.
- (B) Exterior storage of liquid materials, for example chemicals, food products, waste oils, solvents, process wastewaters, or petroleum products in aboveground containers, in quantities of 50 gallons or more, including permanent and temporary storage areas. Exempt from this subsection are underground storage tanks or installations requiring a Water Pollution Control Facility (WPCF) permit and containers with internal protections (such as double-walled containers).
- (C) All facilities that store solid waste. A solid waste storage area is a place where solid waste containers, including compactors, dumpsters, and garbage cans, are collectively stored. Solid waste storage areas include, areas used to collect and store refuse or recyclable materials collection areas. Exempt from this subsection are solid waste storage areas for one and two family dwelling and areas used for the temporary storage of wood pallets or cardboard.
- (D) Developments that stockpile or store high-risk or low-risk bulk materials in outdoor containers, as the terms “high risk” and “low risk” are in the Stormwater Management Manual. Exempt from this subsection are:
  - (i) Materials which have no measurable solubility or mobility in water and no hazardous, toxic or flammable properties.
  - (ii) Materials which exist in a gaseous form at ambient temperature.
  - (iii) Materials, except for pesticides and fertilizers, that are contained in a manner that prevents contact with stormwater.
- (E) Developments proposing the installation of new material transfer areas as defined in the Stormwater Management Manual, or structural alterations to existing material transfer areas, such as access ramp re-grading and



leveler installations. Exempt from this subsection are areas used only for mid-sized to small-sized passenger vehicles and restricted by lease agreements or other regulatory requirements to storing, transporting or using materials that are classified as domestic use, for example, primary educational facilities (elementary, middle or high schools), buildings used for temporary storage and churches.

(F) All development with a designated equipment or vehicle washing or steam cleaning area, including smaller activity areas such as wheel-washing stations. Exempt from this subsection are:

- (i) Washing activity areas generally used to service oversized equipment than cannot maneuver under a roof or canopy, for example cranes and sail boats.
- (ii) Evaporation unit installed as part of a wash recycling system are exempt from the wastewater connection requirement.
- (iii) One and two family dwelling sites.

Development that is intended for the storage of 10 or more fleet vehicles must include a designated vehicle washing area.

(G) All development projects that disturb property suspected or known to contain contaminants in the soil or groundwater.

(H) All development with new covered vehicle parking areas, or existing parking structures that are being developed. Exempt from this subsection are single-level canopies, overhangs and carports.

(cc) **Standards.** All source controls must be designed and constructed according to the source control provisions set forth in the Stormwater Management Manual.

(dd) **Enforcement.** Failure to construct, operate and maintain source controls when a land use application, development permit or tenant improvement has resulted in a defined site use or characteristic listed above is subject to enforcement in accordance with Lane Code.

(ix) **Dedication of Stormwater Easements.**

(aa) **Purpose.** The purpose of Dedication of Stormwater Easements

is to ensure that County maintained stormwater management facilities designed and constructed in accordance with adopted policies and the Stormwater Management Manual can be accessed by the County for routine and/or emergency maintenance to protect life and property from flood and drainage hazards, ensure that water quality is protected, and to ensure that waterways in the headwaters area are protected from the erosive effects of runoff.

**(bb) Applicability.** Stormwater easement standards apply to all land use applications and development permits that result in the construction of a County maintained Stormwater Management Facility.

**(cc) Standards.** The applicant must dedicate public easements approved by the County over County maintained stormwater management facilities provided the County makes findings to demonstrate consistency with constitutional requirements. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:

- (A)** Except for areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any open drainage way, headwater, stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto or from city-owned property or into city maintained facilities.
- (B)** For areas on the County's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any water course or channel.
- (C)** Where necessary to extend public drainage facilities and services to adjoining undeveloped property.
- (D)** To provide necessary drainage from the public right-of-way.
- (E)** Where the County has accepted functional maintenance responsibility for pollution reduction and/or flow control facilities.

**(x) Stormwater Operation and Maintenance.**

(aa) **Purpose.** The purpose of Stormwater Operation and Maintenance standards is to ensure that stormwater management facilities designed and constructed in accordance with the Stormwater Management Manual are operated and maintained in a manner that protects life and property from flood and drainage hazards, protects water quality, and protects the waterways from the erosive effects of runoff.

(bb) **Applicability.** Operation and maintenance standards apply to all facilities designed and constructed in accordance with the Stormwater Management Manual.

(cc) **Standards**

(A) Unless the County accepts the responsibility to operate and maintain a stormwater facility, all stormwater management facilities must be privately operated and maintained.

(B) All stormwater facilities must be operated and maintained in accordance with Lane Code and the Stormwater Management Manual.

(C) Applications proposing private operation and maintenance of all or part of the stormwater facility must include an Operations and Maintenance Plan in accordance with the forms adopted as a part of the Stormwater Management Manual.

(D) A maintenance log is required. The log must provide a record of all site maintenance related activities. The log must include the time and dates of facility inspections and specific maintenance activities, and must be available to County inspection staff upon request.

(dd) **Enforcement.** Failure to operate or maintain the Stormwater Management Facility according to the Operations and Maintenance Plan may result in enforcement action, including a civil penalty, as specified in Lane Code.

(e) **Utilities**

(i) **Underground Utilities**

(aa) **Generally.** All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities must be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during

construction, and high capacity electric lines operating at 50,000 volts or above.

**(bb) Subdivisions.** The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

**(A)** The developer must make all necessary arrangements with the serving utility to provide the underground services. Care must be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic as required in Lane Code (LC) 15.095(3) and as defined in LC 15.010(40);

**(B)** The County reserves the right to approve the location of all surface-mounted facilities;

**(C)** All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, must be constructed prior to the surfacing of the streets; and

**(D)** Stubs for service connections must be long enough to avoid disturbing the street improvements when service connections are made.

**(ii) Exception to Undergrounding Requirement.** The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

**(f) Easements**

**(i) Provision.** The developer or applicant must make arrangements with the County, the applicable zone, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The County's standard width for public main line utility easements is determined by the County Engineer.

**(ii) Recordation.** As determined by the County Engineer, all easements for sewers, stormwater management, water quality facilities, water mains, electric lines, or other public utilities must be recorded with the final plat. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

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(g) **Construction Plan Approval and Assurances**

- (i) **Plan Approval and Permit.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements may be undertaken until the plans have been approved by the County, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the County for construction and other services in connection with the improvement. The permit fee is set by the County.
- (ii) **Performance Guarantee.** The County may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See subsection (6), Site Design Review, and Lane Code Chapter 13, Land Divisions.

(h) **Installation**

- (i) **Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, must conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the County.
- (ii) **Commencement.** The County must be notified in advance in writing before any work begins.
- (iii) **Resumption.** If work is discontinued for more than one month, the County must be notified in writing before work is resumed.
- (iv) **County Inspection.** Improvements must be constructed under the inspection and to the satisfaction of the County. The County may require minor changes in typical standards and specifications, and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review as a modification of approval and/or conditions of approval. Any monuments that are disturbed before all improvements are completed by the subdivider must be replaced prior to final acceptance of the improvements.
- (v) **Engineer's Certification and As-Built Plans.** A registered engineer must provide written certification in a form required by the County that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to County acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer must also provide

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two set(s) of “as-built” plans, in conformance with the County  
Engineer’s specifications, for permanent filing with the County.  
*(Revised by Ordinance No. 13-2, Effective 7.4.13)*

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**RURAL RESIDENTIAL ZONE (RR)  
RURAL COMPREHENSIVE PLAN**

**16.290 Residential Zone (RR).**

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

(2) Permitted Uses. The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured home or recreational vehicle on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured home or recreational vehicle; or

(iii) A resident of the temporary manufactured home or recreational vehicle is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured home or recreational vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured home or duplex.

(vi) The temporary manufactured home or recreational vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured ~~home~~ or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured home or recreational vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured home or recreational vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured home or recreational vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured home or recreational vehicle, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A minor home occupation and/or a home office that comply with these conditions:

(i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.

(ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 5.600, PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not be "plainly audible," as defined by LC 5.605, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the minor home occupation shall comply with LC 5.700, NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. `Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 5.600 for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;

(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and



(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Residential Accessory Structures and Uses. Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, and animal or pet shelters

(u) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

(i) The total floor area of the structure is no more than 850 square feet;

(ii) The structure does not contain a kitchen.

(iii) The structure is located on a lot or parcel that has a lawfully existing dwelling or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(3) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14-LC 14.050; and compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16; ~~and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.~~

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate home occupation on their Rural Residential zoned land;

(ii) To assure that the operation of home occupation will be compatible with nearby uses;

(iii) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a home occupation. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or

unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the home occupation shall not be allowed.

(iii) The amount of building floor area of home occupation shall not exceed:

(aa) 3,000 square feet for any parcel or lot located outside an unincorporated community; or

(bb) 4,000 square feet for any parcel or lot located inside an unincorporated community.

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14~~LC 14.070(4)~~. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.~~500080~~.

(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior ~~and approval~~ of a land use application pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~; and ~~compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.~~

(a) Feeding, breeding and management of livestock, poultry, or fur bearing animals in excess of the standards in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

(f) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(g) An onsite sewage disposal system for a non-residential use on a nearby property in a rural zone.

(h) A replacement of a lawfully existing (per LC Chapter 16) dwelling, manufactured dwelling or duplex that relies on evidence of its lawfully existing nature other than required by LC 16.290(2)(b) above, or a replacement dwelling, manufactured dwelling or duplex that shall comply with the following requirements:

(i) The dwelling, manufactured dwelling or duplex was removed or destroyed within 12 months of the date that the Director received the special use permit application for its replacement;

(ii) Prior to the removal of the dwelling, manufactured dwelling or duplex, it was a lawfully existing dwelling, manufactured dwelling or duplex; and

(iii) The replacement dwelling, manufactured dwelling or duplex shall be located on the same foundation footprint as the removed or destroyed dwelling, manufactured dwelling or duplex or shall be located in compliance with LC 16.290(7) below.

(i) Animal hospitals. An "animal hospital" is a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use. The square foot floor area of an animal hospital shall not exceed 4,000 square feet for any parcel located in an unincorporated community or 3,000 square feet for any parcel located outside of an unincorporated community.

(j) Commercial breeding kennel or commercial kennel. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. These terms are not intended to include an animal hospital or a noncommercial kennel.



(k) Campgrounds and camping vehicle parks. A "campground" is an area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development. A "camping vehicle park" is a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating. Campgrounds and camping vehicle parks:

(i) Shall be located at least:

(aa) 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, or

(bb) 3 miles from any other urban growth boundary unless they are contiguous to or located on lands with an accessible park or other outdoor amenity; and

(ii) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period; and

(iii) Shall not exceed the carrying capacity of the soil or existing water supply resources or result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

(m) Churches. A "church" is a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.

(n) Golf courses.

(o) Lodges and grange halls that:

(i) are owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural area; or

(ii) do not contain more than 4,000 square feet if located in an unincorporated community or not more than 3,000 square feet if located outside an unincorporated community.

(p) Parks, playgrounds, community centers.

(q) Public and private schools. A "school" is a place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of education is provided.

(r) Storage facilities for boats and recreational vehicles.

(s) Uses and development similar to uses and development allowed by LC16.290(2) or (4) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.290(2) through (4) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The proposed use and development shall be consistent with the purpose in LC 16.290(1).

(ii) When compared with the uses and development permitted by LC 16.290(2) or (4) above, the proposed use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

- (aa) Goods or services traded from the site;
- (bb) Bulk, size, and operating characteristics of the proposed use;
- (cc) Parking demand, customer types and traffic generation; and
- (dd) Intensity of land use of the site.

(iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(u) Stables, riding academies or commercial riding.

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

(a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

(c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and

(d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

(a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or parcels for residential purposes on land zoned RR-1 shall be two acres as long as required

by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.

(b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.

(c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:

(i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;

(ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

(iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;

(iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;

(v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and

(vi) "Habitable dwelling" means a dwelling, that:

(aa) Has intact exterior walls and roof structure;

(bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

(7) Property Development Standards. All uses or development permitted by LC 16.290(2) through (4) above, except as may be provided therein, shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;

(ii) At least 10 feet from all other property lines; and

(ii) Notwithstanding LC 16.290(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 10 foot setback otherwise required by LC 16.290(7)(a)(ii) above provided it complies with LC 16.290(7)(d) below.

(b) The setback for property lines other than front-yard shall be five feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapters 918-600 =.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6),

the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(f) Height. None.

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement

(iii) Signs shall be limited to 200 square feet in area.

(h) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15)*

## **RURAL COMMERCIAL ZONE (RC, RCP) RURAL COMPREHENSIVE PLAN**

### **16.291 Rural Commercial Zone (RC, RCP).**

(1) Purpose. The purposes of the Rural Commercial Zone (RC, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP), to allow commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area, and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.291 is not retroactive. The Director has no authority to initiate compliance with LC 16.291 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.291(2)(a) through (k) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to compliance with the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.291.

(b) The uses and development allowed by LC 16.291(3)(a) through (w) , (y) through (z), (a-a), (ee), (ff), and (gg) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing commercial structures on the subject property, shall comply with the setback requirements of LC 16.291(6)(a) through (b) below, and shall not extend the commercial uses and development beyond the area of the existing commercial uses and development. The area of the existing commercial uses and development shall include all

existing structures and outside areas used for the commercial use such as private drives, off street parking and loading areas, and outside storage areas; or

(ii) The use and development shall be a minor addition to a commercial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.291 was applied to the subject property and shall not be closer to a property line than the closest portion of existing commercial structures meeting the setbacks required by LC 16.291(6)(a) through (b) below. To verify compliance with these standards, the applicant shall submit to the Director an administrative application for verification of compliance and the Director shall determine if the addition to a commercial structure complies with these standards; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.291(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.291(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16.

(v) Structures permitted by LC 16.291(2)(b)(ii) and (iii) above shall comply with the floor area and lot or parcel coverage requirements of LC 16.291(4)(a) below.

(c) Public and semi-public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground utility lines that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.291(2)(c) above shall be maintained.

(d) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are breed or sold, or where dogs receive medical care.

(e) Fish and wildlife habitat management.

(f) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing commercial use permitted by LC 16.291(2)(a) through (b) above or (3)(a) through (w), (a-a) or (b-b) below and located on the same lot or parcel as the existing commercial use;

(ii) There shall not be any other living quarters or dwellings on the lot or parcel where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the structure as a single family living quarters.

(g) A single family dwelling or manufactured dwelling in conjunction with an existing commercial use provided there is no other dwelling or single family living quarters on the same lot or parcel.

(h) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).



(i) Not more than one bed and breakfast accommodation on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(j) Not more than one residential home on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(k) Uses and development accessory to existing uses and development permitted by LC 16.291(2)(a) through (j) above or (3)(a) through (c-c) below.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.291(3)(a) through (t), and (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (a-a) through (b-b) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14LC 14.050; and compliance with the applicable land use requirements of LC 16.291(4)(a) through (j) below and elsewhere in LC Chapter 16; ~~and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.~~ The uses and development in LC 16.291(3)(u) and (c-c) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14LC 14.050; and compliance with the applicable land use requirements elsewhere in LC Chapter 16; ~~and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.~~

(a) Retail trade of products, including: food, new general merchandise, second-hand general merchandise in an enclosed building; and building materials, hardware or farm equipment.

(b) Retail trade of hay, grains or goods for animal consumption or care.

(c) Retail trade of services, including: personal, finance, insurance, banking, real estate, professional, and the construction trades including but not limited to general contracting, carpentry, cabinetmaking, electrical, plumbing, and landscaping.

(d) Restaurants.

(e) Bars, nightclubs, taverns or brewpubs.

(f) Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.

(g) Medical or veterinarian clinic.

(h) Service stations and auto repair garages.

(i) Bus passenger terminals.

(j) Boat charter and rental, including fishing equipment.

(k) Outdoor tourist attractions featuring displays of educational or historical value.

(l) Day camp and picnic areas.

(m) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating and roller blading, riding stables, bowling, skiing, snowboarding and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.

(n) Indoor or outdoor theaters.

(o) Post Office facilities.

(p) Equipment rental and leasing service.

(q) Recreational vehicle or boat storage, sales, repair and subordinate boat building that comprises less building floor area than used for boat sales or rentals.

(r) Marina.

(s) Outdoor car or truck sales lots, indoor truck or auto repair, and not including the outdoor storage of inoperable vehicles.

(t) A commercial kennel or a commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.

(u) New motels or hotels with up to 35 units within an unincorporated rural community designated in the Rural Comprehensive Plan, or new motels or hotels with up to 100 units within an urban unincorporated community designated in the Rural Comprehensive Plan, that meet the following conditions:

(i) They are located at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5; and

(ii) They are served by a "community sewer system" that means, "A sewage disposal system with connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community."

(v) A recreation vehicle park that may include individual electrical, water and sanitation disposal system hookups. A sanitation disposal system approved by DEQ or a centralized, pump-out vault may be provided for off-loading in compliance with ORS. The stay limit for a recreational vehicle shall not exceed 29 consecutive days or more than 90 days in any calendar year or consecutive six-month period.

(w) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(x) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(y) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(z) Overnight accommodations that shall:

(i) Have no more than 15 guest rooms in a single structure. Food preparation and service in a centralized kitchen may be provided for guests only.

(ii) Have only minor incidental and accessory retail sales;

(iii) Be occupied only temporarily for the purpose:

(aa) Of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission if located within ¼ mile of fish bearing Class I waters, or

(bb) Of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and wildlife Commission; and

(iv) The Approval Authority may impose appropriate conditions.

(a-a) A short term stay facility for the homeless or transients that may include the provision of food and clothing for those staying in or visiting the facility provided the facility shall:

- (i) Be operated by a nonprofit organization or public agency;
- (ii) Contain no more than five bedrooms or sleeping rooms; and
- (iii) Limit the stay for any individual to no more than 29

consecutive days.

(b-b) Uses and development similar to uses and development allowed by LC16.291(3)(a) through (a-a) above if found by the Director to be clearly similar to the uses and development allowed by LC 16.291(3)(a) through (a-a) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.291(1) above.

(ii) When compared with the uses and development permitted by LC 16.291(3)(a) through (a-a) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use and development;

(cc) Parking demand, customer types and traffic generation; and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) The use and development shall not include factories, warehouses, freight terminals, or wholesale distribution centers.

(vi) The use and development shall comply with LC 16.291(4)(a) through (h) below.

(vii) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(c-c) An expansion of a lawfully existing commercial use that shall:

(i) Not result in more than a 50% increase in the total square foot floor area devoted to the commercial use that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; or

(ii) Not result in more than a 50% increase in the number of temporary overnight accommodations that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; and

(iii) Be used primarily by rural residents and/or tourists.

(d-d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(ee) Marijuana production, subject to Lane Code 16.420. Only the Tier 1 level of production, as licensed by the OLCC is allowed. Only indoor marijuana production, as defined by state law and regulated by OLCC is allowed.

(ff) Marijuana retail sales, subject to Lane Code 16.420.



(gg) Marijuana laboratory operations, subject to Lane Code 16.420.

(hh) Marijuana processing, subject to Lane Code 16.420.

(4) Criteria. New uses or development allowed by LC 16.291(3)(a) through (t), (v) through (w), (z), and (a-a) through (b-b), and (e-e) through (h-h) above, shall comply with the criteria in LC 16.291(4) below. Telecommunications facilities allowed by LC 16.291(3)(x) above shall comply with the requirements in LC 16.264.

(a) Floor Area and Lot or Parcel Coverage. If located in an area designated by the RCP as an unincorporated community, no one commercial building or combination of commercial buildings on a lot or parcel within an urban unincorporated community shall contain more than 8,000 square feet of floor area for the same commercial use; or, no one commercial building or combination of commercial buildings on a lot or parcel in any other type of unincorporated community shall contain more than 4,000 square feet of floor area for the same commercial use unless the conditions in LC 16.291(4)(a) below are met. If not located in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,500 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing at least 750 square feet of floor area used for other permitted commercial uses). A country store located outside an area designated by the RCP as an unincorporated community may contain a maximum of 3,750 square feet of floor area. An exception to the 8,000, 4,000 or 3,500 commercial building square feet floor area requirement in LC 16.291(4)(a) above may be allowed if it complies with these requirements:

(i) The exception shall be adopted by ordinance as part of an amendment to the RCP for a specific lot or parcel.

(ii) The exception shall be for an expansion of up to 50% of the existing square feet building floor area used for commercial uses.

(iii) The existing and proposed commercial uses shall:

(aa) Provide goods and services to primarily rural residents or persons traveling through the area;

(bb) Notwithstanding the small-scale commercial building floor area limits in OAR 660-022-0030(10), comply with OAR 660-022 (for commercial uses located inside unincorporated communities) or with the Statewide Planning Goals (for commercial uses located outside unincorporated communities); and

(cc) Fit within the uses allowed by LC 16.291(2) and/or (3) above.

(iv) No more than one exception pursuant to LC 16.291(4)(a) shall be allowed for the same lot or parcel.

(b) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(c) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(d) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(e) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(f) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(g) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(h) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(i) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(j) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development permitted by LC 16.291(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) At least 10 feet from all other property lines except as required in LC 16.291(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

At left margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE  
FORMAT**

16.291

Lane Code

16.291

- (i) Signs shall not extend over a public right-of-way or project beyond the property line.
- (ii) Signs may be illuminated but shall not be flashing or capable of movement.
- (iii) Signs shall be limited to 100 square feet.
- (iv) Signs shall not project above the height of the tallest structure on the property.
- (e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 11-04, 6.11.04; 5-04, 7.1.04; 7-12, 12.28.12; 15-08, 12.15.15; 16-01, 2.25.16)*

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PAGES 16-769 THROUGH 16-860  
ARE RESERVED FOR FUTURE EXPANSION

**RURAL INDUSTRIAL ZONE (RI, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.292 Rural Industrial Zone (RI, RCP).**

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f), and (u) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an administrative application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with these standards; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semipublic structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned

property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

(e) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.

(f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (o) below, are allowed subject to: **prior** submittal **and approval** of a land use application for the proposed uses or developments pursuant to ~~LC 14.050~~**Type II procedures of LC Chapter 14; and** compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code; ~~and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.~~

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, "in proximity to the rural resource" shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

- (c) Forest or farm equipment storage yards, sales, rental or repair.
- (d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.
- (e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.
- (f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).
- (g) Communication facilities including but not limited to those for radio, television, computers, or satellites.
- (h) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.
- (i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.
- (j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.
- (k) Uses and development similar to uses and development permitted by LC16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:
  - (i) The use and development shall be consistent with the purpose in LC 16.292(1) above.
  - (ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:
    - (aa) Goods or services traded from the site.
    - (bb) Bulk, size, and operating characteristics of the proposed use.
    - (cc) Parking demand, customer types and traffic generation.
    - (dd) Intensity of land use of the site.
  - (iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community sewer or water system is not available.
  - (iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
  - (v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:



(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(vi) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

(i) The single-family dwelling, manufactured or mobile home shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single-family dwelling, manufactured or mobile home for the caretaker will be located; and

(iii) The single-family dwelling, manufactured or mobile home for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the industrial use on it.

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

(i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);

(ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

(iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;

(iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion;

(v) Not create a hazardous natural condition such as erosion, landslide or flooding; and

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.

(o) Any level of industrial uses sited on an abandoned or diminished mill site. The Director shall determine the boundary of the mill site that may include only those areas that were improved for the processing or manufacturing of wood products. The Board shall determine the boundary of an abandoned or diminished mill site that is rezoned for Rural Industrial Use pursuant to LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or

manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

(i) Is located on a parcel or lot outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(r) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(s) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size or type, on a lot or parcel that was zoned for industrial use on January 1, 2004, subject to compliance with these requirements:

(i) The Director may authorize on-site sewer facilities to serve the industrial development authorized under LC 16.292(3)(s), including accessory uses subordinate to the industrial development.

(ii) The lot or parcel is located more than three miles outside the urban growth boundary of every city with a population of 20,000 individuals or more; or

(iii) The lot or parcel is located outside an urban growth boundary of every city with a population of fewer than 20,000 individuals.

(iv) The lot or parcel is located west of the summit of the Coast Range.

(v) When the Director considers action under LC 16.292(3)(s) for a lot or parcel within 10 miles of the urban growth boundary of a city, the Director shall give notice to the city at least 21 days prior to taking action.



(vi) If the City objects to the authorization of the proposed industrial development under LC 16.292(3)(s), the Director shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

(t) Composting Facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.

(u) Marijuana production, marijuana processing, marijuana wholesale distribution, marijuana laboratory operations, and marijuana research, subject to Lane Code 16.420, may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k), and (n) through (o) and (u) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04; 6-10 9.17.10; 7-12, 12.28.12; 14-09, 12.29.14; 15-08, 12.15.15; 16-01, 2.25.16)*

**RURAL PUBLIC FACILITY ZONE (RPF, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.294 Rural Public Facility Zone (RPF, RCP).**

(1) Purpose. The purposes of the Rural Public Facility Zone (RPF, RCP) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed exception lands. LC 16.294 applies only to developed and committed exception lands;

(b) To provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual uses not normally associated with other zones;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan; and

(d) LC 16.294 is not retroactive. The Director has no authority to initiate compliance with LC 16.294 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.294(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to compliance with the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.294.

(b) The uses and development authorized by LC 16.294(3)(a) through (q), (s) and (t) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The uses and development shall not change the number, size or location of existing public facility structures on the subject property and shall not extend the public facility uses and development beyond the area of the existing public facility uses and development. The area of the existing public facility uses and development shall include all existing structures and outside areas in public facility use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.294(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a public facility structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.294 was applied to the subject property and shall not be closer to a property line than the closest portion of existing public facility structures meeting the setbacks required by LC 16.294(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance with conditions. And, the Director shall determine if the addition to a public facility structure complies with this condition; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.294(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.294(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16 and is not illuminated.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground utility lines that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native

landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.294(2)(c) above shall be maintained.

(d) Fish and wildlife habitat management.

(e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(f) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(g) Uses and development accessory to existing uses and development allowed by LC 16.294(2)(a) through (f) above or (3)(a) through (v) below.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14~~LC 14.050; and~~ compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16; ~~and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.~~

(a) Electric utilities such as: a generation plant, transmission facilities, right-of-ways, electricity regulating substations, and other facilities related to electricity generation and distribution.

(b) Gas utilities such as: gas pipeline right-of-way, gas storage and distribution and gas pressure control substations.

(c) Water utilities such as: water treatment plants, water storage, intake and outtake facilities, water pipeline right-of-way, and other facilities related to water treatment and storage.

(d) Sewage disposal including but not limited to: sewage treatment plants, sewage sludge drying beds and sewage pressure control stations.

(e) Solid waste disposal such as: refuse incineration, central garbage grinding stations, composting plants, sanitary landfills and refuse disposal.

(f) Educational facilities and services such as: nursery, primary and secondary education; colleges and professional schools; special training schools such as those for: vocations, trades, arts, music, dancing, driving, gymnastics and correspondence. Such uses must be located inside an unincorporated community.

(g) National Guard centers and meeting halls within one-half mile radius of Lane Community College.

(h) Religious activities such as: churches, synagogues, temples, and monastery or convent.

(i) Welfare and charitable services. Such uses must be located inside an unincorporated community.

(j) Professional membership organizations. Such uses must be located inside an unincorporated community.

(k) Labor unions and similar organizations. Such uses must be located inside an unincorporated community.

(l) Civic, social and fraternal associations. Such uses must be located inside an unincorporated community.

(m) Business associations. Such uses must be located inside an unincorporated community.

(n) Sports assembly for lands owned and operated by public or private schools for primary, secondary or college education such as: stadiums or grandstands, foot race tracks, ball playing fields, and basketball, volleyball or tennis playing courts. Such uses must be located inside an unincorporated community or for schools that provide education primarily for rural residents living in the area.

(o) Governmental services, such as: post office, fire station and sheriff or police station. Such uses must be located inside an unincorporated community.

(p) Cemeteries.

(q) Health services such as: dental or medical offices or clinics, dental or medical laboratory, and convalescent and rest homes. Such uses must be located inside an unincorporated community.

(r) Communication facilities, such as: internet station and offices; radio station, studio and towers; and TV station, studio and towers.

(s) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(t) Heliport.

(u) Uses and development similar to uses and development permitted by LC16.294(3)(a) through (t) above if found by the Director to be clearly similar to the uses and development permitted by LC 16.294 (3)(a) through (t) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.294(1) above.

(ii) When compared with the uses and development permitted by LC 16.294(3)(a) through (t) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use and development;

(cc) Parking demand, customer types and traffic generation; and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(v) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing public facility use permitted by LC 16.294(2)(a) through (d)



or (3)(a) through (u) above and located on the same lot or parcel as the existing public facility use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from portion of the same lot or parcel with the public facility use on it.

(w) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Criteria. New uses or development allowed by LC 16.294(3)(a) through (u) above, except for telecommunications facilities allowed by LC 16.294(3)(s) above, shall comply with the criteria in LC 16.294(4) below. Telecommunications facilities allowed by LC 16.294(3)(s) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development permitted by LC 16.294(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) At least 10 feet from all other property lines except as required in LC 16.294(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(iv) Signs shall not project above the height of the tallest structure on the property.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-10, 11.25.10; 16-01, 2.25.16)*

## **RURAL PARK AND RECREATION ZONE (RPR, RCP) RURAL COMPREHENSIVE PLAN**

### **16.295 Rural Park and Recreation Zone (RPR, RCP).**

(1) Purpose. The purposes of the Rural Park and Recreation Zone (RPR, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to recognize existing park and recreation areas by applying the RPR, RCP zone to these areas; to provide objective land use and siting criteria in order to allow the uses and development indicated in the State Park Master Plan, the Lane County Parks Master Plan or privately developed recreation uses on developed and committed (D&C) lands; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.295 is not retroactive. The Director has no authority to initiate compliance with LC 16.295 for lawfully (per LC Chapter 16) existing uses and development.

(2) Permitted Uses and Development. The uses and development in LC 16.295(a) through (n) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.295.

(b) The uses and development authorized by LC 16.295(3)(a) through (k) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with the following conditions:

(i) The use and development shall not change the number, size or location of existing park and recreation structures on the subject property and shall not extend the park and recreation uses and development beyond the area of the existing park and recreation uses and development. The area of the existing park and recreation uses and development shall include all existing structures and outside areas used for park and recreation use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.295(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a park and recreation structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.295 became applicable to the subject property and shall not be closer to a property line than the closest portion of existing park and recreation structures meeting the setbacks required by LC16.295(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance. And, the Director shall determine if the addition to a park and recreation structure complies with this condition; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC16.295(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.295(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.295(6)(a) through (b) and is not illuminated.

(c) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing park and recreation use permitted by LC 16.295(2)(a) or (b) above or (3)(a) through (k) or (o) below and located on the same lot or parcel as the existing park and recreation use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the park and recreation use on it.

(d) Farm use or forest operations or forest practices including, but not limited to, reforestation of forestland, forest road construction and maintenance, harvesting of a forest tree species, and disposal of slash.

(e) Towers and fire stations for forest fire protection.

(f) Fishing without any lodging accommodations.

(g) Aids to navigation and aviation.



(h) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(i) Forest management research and experimentation facilities as defined by ORS 526.215.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Public and semipublic structures and uses rendering direct service to the public in local areas, such as utility substations, pump stations, wells, and underground utility lines or above ground utility lines that do not require a right-of-way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.295(2)(k) above shall be maintained.

(l) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(m) The following uses and developments that are included as part of an adopted State Master Park Plan or adopted Lane County Parks Master Plan that comply with OAR Division 34, State and Local Park Planning:

(i) Campgrounds that are used for temporary overnight camping including: recreational vehicle sites, tent sites, camper cabins, yurts, teepees, covered wagons, group shelters, and campfire program areas.

(ii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools unless located in a developed and committed lands exception area), open play fields, play structures;

(iii) Recreational trails: walking, hiking, biking, horse, or motorized off road vehicle trails; trail staging areas;

(iv) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;

(v) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;

(vi) Support facilities serving only park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(vii) Park maintenance and management facilities located within a park; maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;

(viii) Natural and cultural resource interpretative, educational and informational facilities: interpretive centers, information/orientation centers, self-supporting interpretative and information kiosks, natural history or cultural museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores in state parks not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education;

(ix) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(aa) Meeting halls not exceeding 2,000 square feet of floor area;

(bb) Dining halls (not restaurants).

(n) Uses and development that are accessory to existing uses and development permitted under LC 16.295(2)(a) through (m) above or (3)(a) through (o) below.

(3) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14~~LC 14.050~~; and compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16; ~~and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.~~

(a) Golf course.

(b) Riding stables.

(c) Yachting clubs.

(d) Game rooms, miniature golf, go cart tracks.

(e) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(f) A clubhouse for an existing golf course. The clubhouse may include a restaurant, retail trade of food or new general merchandise, and recreation areas.

(g) A State or Lane County Park that is located on developed and committed exception area lands and that is not included in an adopted master park plan. These parks may include any of the uses mentioned in LC 16.295(2)(m) above.

(h) Race track.

(i) Recreational shooting.

(j) Airport and flying field.

(k) Expansion of lawfully (in terms of LC Chapter 16) existing uses.

(l) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(m) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264

(n) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(o) Uses and development similar to uses and development allowed by LC 16.295(3)(a) through (n) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.295(3)(a) through (n) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.295(1).

(ii) When compared with the uses and development permitted by LC 16.295(3)(a) through (n) above, the use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use;

(cc) Parking demand, customer types and traffic generation;

and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(p) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Criteria. New uses or development allowed by LC 16.295(3)(a) through (o) above, except for telecommunications facilities allowed in LC 16.295(3)(m) above, shall comply with the criteria in LC 16.295(4) below. Telecommunications facilities allowed by LC 16.295(3)(m) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or

proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to comply with LC 16.295 and other requirements of LC Chapter 16. Land divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development allowed by LC 16.295(2) and (3) above shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable, are met.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not project above the height of the tallest structure on the property.

(iv) Signs shall not contain more 200 square feet in area.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. (*Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 16-01, 2.25.16*)

## **PRIVATE USE AIRPORT OVERLAY ZONE (/PUAO, RCP) RURAL COMPREHENSIVE PLAN**

### **16.296 Private Use Airport Overlay Zone (PUAO, RCP)**

(1) Purpose. The purpose of the Private Use Airport Overlay Zone is to recognize the locations of certain private use airports and heliports and to provide for their continued operation and vitality consistent with state law. It also provides for standards to promote air navigational safety at these airports, and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.

(2) Applicability. The Private Use Airport Overlay Zone consists of two elements: a private use airport operation district and a safety overlay zone.

(a) The private use airport operation district applies to private use airports and heliports in rural Lane County that were the base for three or more aircraft on

December 31, 1994, as shown in the records of the Oregon Department of Transportation. The boundaries of the private use airport operation district are delineated on the Official Private Use Airport Overlay Zone Map. The identified private use airports and heliports in Lane County include:

- (i) Crow-Mag Airport;
- (ii) Jasper Ridge Airport;
- (iii) Meadowview Heliport;
- (iv) Strauch Field Airport; and
- (v) Walker Airport.

(b) The safety overlay zone applies to those lands encompassed by the airport and heliport surfaces set forth and defined in LC 16.296(3), delineated in LC 16.296(8) and diagrammed LC 16.296(13).

(c) If any airport or heliport to which this overlay zone has been applied is removed from the State's list of airports in a manner described in ORS 836.610, the county will no longer apply and enforce the safety overlay zone that corresponds to the removed airport or heliport.

(3) Definitions.

Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Elevation. The highest point of an airports' usable runway, measured in feet above mean sea level.

Airport Imaginary Surface. Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport or heliport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of a runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to the width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for one foot forward.

Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Heliport. An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

Heliport Imaginary Surface. Airport imaginary surfaces as they apply to heliports.

Heliport Approach Surfaces. The approach surface beginning at each end of the heliport primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

Heliport Primary Surface. The area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

Heliport Transitional Surfaces. Surfaces extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontal from the centerline of the primary and approach surfaces.

Obstruction. Any structure, or tree, plant or other object of natural growth that penetrates an imaginary surface.

Primary Surface. A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation on the nearest point on the runway centerline. The width of the primary surface is 200 feet.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. For the purposes of LC 16.296, "structures" means any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

(4) Existing Uses within the Private Use Airport Operation District. Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of January 1, 2008. The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos. The determination is subject to submittal and approval of an Airport Use Determination application pursuant to Type II procedures of LC Chapter 14-LC 14.050 ~~and review and approval of the Airport Use Determination pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.~~

(5) Continued Operation of Existing Uses. Operation of the following uses may be continued within the airport operation district at their current levels as of February 1, 2008, upon determination that the use existed at the airport or heliport at any time during 1996.

(a) Customary and usual aviation-related activities, including but not limited to take-offs and landings.

(b) Aircraft hangers and tie-downs.

(c) Ongoing maintenance of airport facilities.

(d) Fixed based operator facilities.

(e) One single family residence per airport for either: an airport caretaker, operator or security officer, but not a residence for each.

(f) Other activities incidental to the normal operation of an airport. Except as provided elsewhere in Lane Code 16.296, "customary and usual aviation-related activities" do not include residential, commercial, or industrial uses provided for in other sections of Lane Code Chapter 16.



(g) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

(h) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical labs, medical equipment sales, and other similar uses.

(i) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

(j) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

(k) Flight instruction, including activities, facilities, and non-residential accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

(l) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personnel use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

(m) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

(n) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

(o) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agriculture, forestry or rangeland management setting.

(p) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.

(q) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft, aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving. Parachuting businesses may only be allowed where the business has approval to use a drop zone that is at least 10 contiguous acres in size. A larger drop zone may be

required where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(6) Expansion of Existing Uses. The expansion of uses identified in 16.296(5)(a)-(q) that existed at any time during 1996, are permitted as provided in this section.

(a) Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

(i) Construction of additional hangars and tie-downs by the owner of the airport or heliport.

(ii) Basing additional aircraft at the airport or heliport.

(iii) Increases in flight activity.

(b) Other Expansions of Existing Uses.

(i) Growth of existing uses that require building permits, other than those existing uses identified LC 16.296(6)(a) shall be permitted as an administrative decision without public hearing, unless the growth:

(A) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals.

(B) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(C) Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

(ii) Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in LC 16.296(7).

(7) New Uses. Uses identified in LC 16.296(5) are permitted following a public hearing before the Director upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

(a) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) The uses do not seriously interfere with existing land uses in areas surrounding the airport or heliport; and

(c) For airports or heliports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

(8) Safety Overlay Zone Surface Delineation. The location of the imaginary surfaces defined in LC 16.296(3) for each private use airport and heliport subject to this overlay zone are depicted on the Official Private Use Airport Overlay Zone Map. All lands, waters and airspace, or portions thereof that are located within these surfaces are subject to the requirements of this overlay zone. The dimensional standards and slope profiles for these surfaces are diagramed in LC 16.296(13).

(9) Notice of Land Use and Permit Applications within the Safety Overlay Zone.

(a) The county shall provide written notice of applications for Type I through IV applications ~~land use decisions or administrative approvals, including comprehensive plan or zoning amendments,~~ affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to ~~LC 14.070 and 14.100~~



**060** in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use decisions or administrative approvals.

(b) The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to ~~LC 14.100~~**LC 14.060**, is provided to parties to a land use or limited land use proceeding.

(10) Height Limitations within the Safety Overlay Zone. All structures permitted by the underlying zone shall comply with the height limitations in LC 16.296(10)(a) and (b), below. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations controls.

(a) Except as provided in LC 16.296(10)(b) below, no structure, tree or other object of natural growth shall penetrate an airport imaginary surface.

(b) Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall comply with LC 16.256(1) and (2), and shall be subject to such conditions and terms as recommended by the Department of Aviation.

(11) Procedures. An applicant seeking a land use or administrative approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(a) A map or drawing showing the location of the property in relation to the airport or heliport imaginary surfaces. The Director shall provide the applicant with appropriate base maps upon which to locate the property.

(b) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

(c) If a height variance is requested, letters of support from the airport sponsor and the Department of Aviation.

(12) Nonconforming Structures.

(a) These regulations do not require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations do not require any change in the construction, alteration or intended use of any structure for which construction was begun or land use permits were applied for prior to January 1, 2008.

(b) Notwithstanding LC 16.296(12)(a), the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

(c) No land use decision, administrative approval or other permit shall be granted that would allow a nonconforming structure to become a greater hazard to air navigation than it was on January 1, 2008.

(13) Surfaces Diagramed. The airport surfaces delineated in LC 16.296(8), above are as diagramed in Figure 1.1, below. The heliport surfaces delineated in LC 16.296(8) above are as diagramed in Figure 1.2, below. In addition to the diagrams below, these surfaces have been mapped on the Official Private Use Airport Overlay zone map.

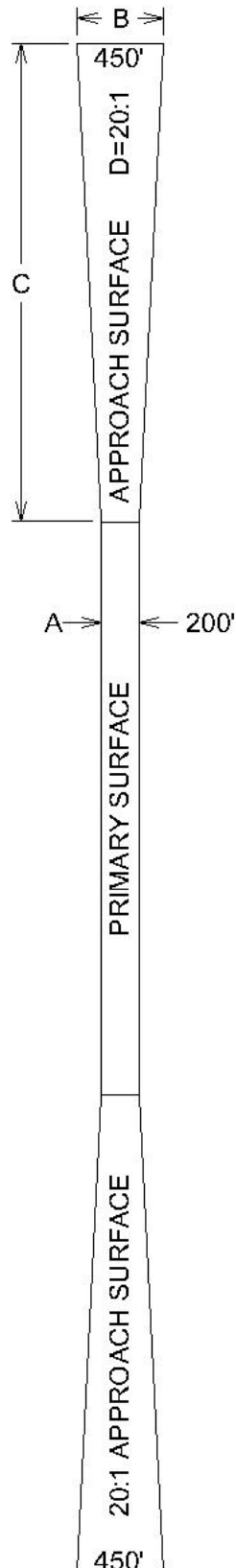
At left margin indicates changes  
**Bold** indicates material being added  
~~Strikethrough~~ indicates material being deleted

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| DIM | ITEM   | DIMENSIONAL STANDARDS IN FEET |
|-----|--|-------------------------------|
| A   | WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END | 200                           |
| B   | APPROACH SURFACE WIDTH AT THE END                                | 450                           |
| C   | APPROACH SURFACE LENGTH  | 2500                          |
| D   | APPROACH SLOPE   | 20:01                         |

LC 16.296 (13) Figure 1.1: Private-Use Airport Surfaces

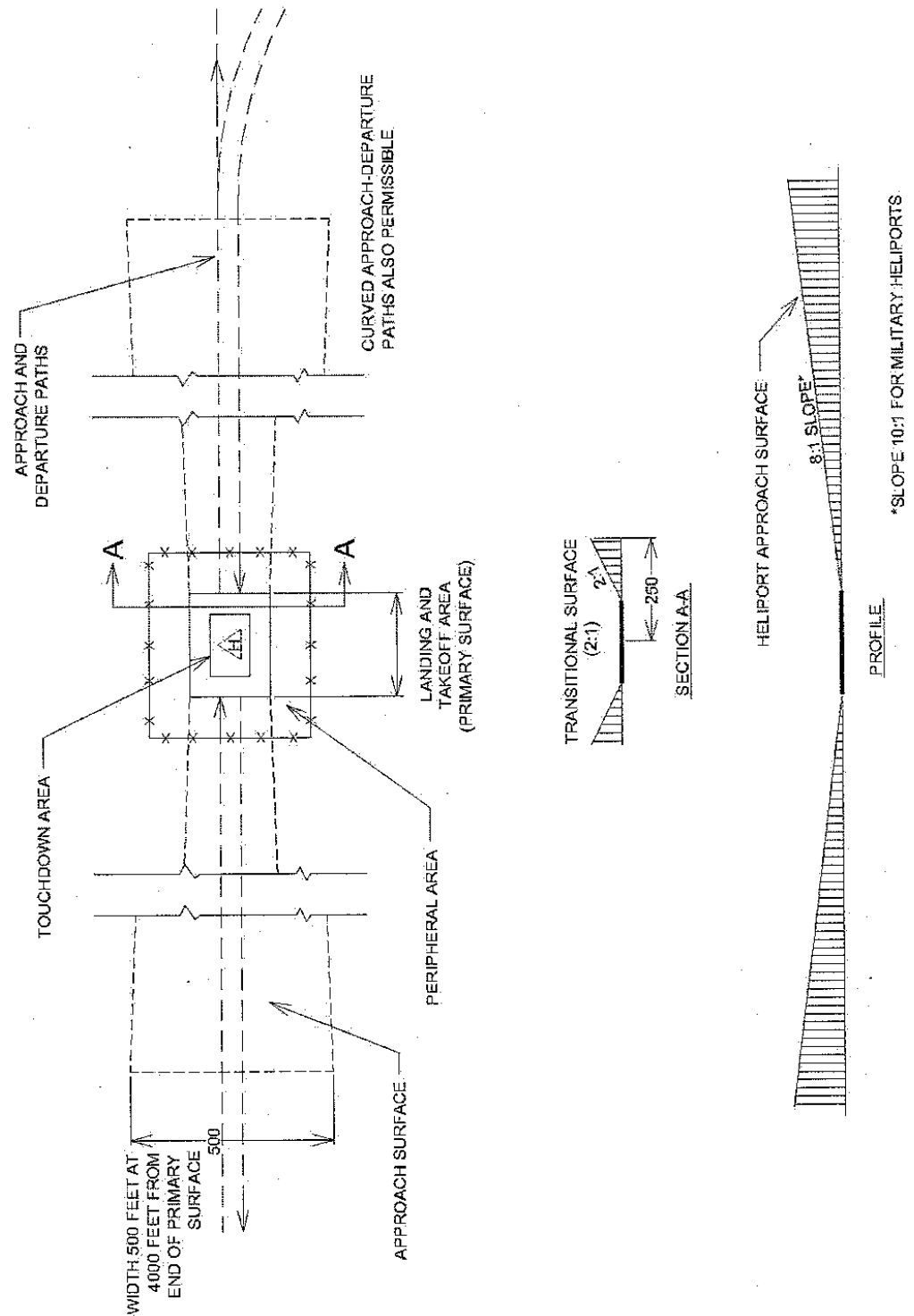
At left margin indicates changes  
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LC 16.296 (13) Figure 1.2: Heliport Surfaces

(ii) Deviations are permitted as identified in Section 5.3.3 of the Coburg IAMP. Deviations not identified in Section 5.3.3 may be permitted for new access for farm and forestry equipment and associated farm uses, as defined in Lane Code 16.090, on lands zoned for Exclusive Farm Use, and accepted Forest uses as defined in Lane Code 16.090 on those lands that are within the Coburg IAMP area, but only when access meeting the standards in Lane Code 16.297(5)(a)(i) above is unfeasible.

(iii) Until such time as the Oregon Department of Transportation (“ODOT”) purchases access rights on Van Duyn Road within the Coburg IAMP Combining Zone that is designated for restricted access by the adopted Coburg IAMP, Chapter 5, any redevelopment of property within this area that would result in a greater number of average daily trips or an increase in large truck trips will require written approval from ODOT and subject to the limits of applicable provisions of Lane Code.

(b) Notice. Lane County will provide notice to ODOT for land use actions within the Coburg IAMP Combining Zone area, including, but not limited to, the following:

(i) Amendments to the Lane County Rural Comprehensive Plan or the Lane County Transportation System Plan;

(ii) Zone changes or other land use proposals;

(iii) Land use proposals involving requests for new access to Van Duyn Road. *(Revised by Ordinance No. 6-11, Effective 7.21.11)*

## **LAND DIVISIONS RURAL COMPREHENSIVE PLAN**

### **16.300 Land Divisions.**

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.010. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## **RURAL COMPREHENSIVE PLAN AMENDMENTS RURAL COMPREHENSIVE PLAN**

### **16.400 Rural Comprehensive Plan Amendments.**

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) Transportation System Plan (Adopted by Ordinance No. 3-80 and Amended by Ordinance No. 10-04PA 1202) and the following component of the Transportation System Plan:

(aa) Coburg/Interstate 5 Interchange Area Management Plan (Adopted by Ordinance No. PA 1258).

(bb) Highway 126 Fern Ridge Corridor Plan (Adopted by Ordinance No. PA 1297).

(ii) Willamette Greenway Plan Ordinance No. 783).

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to Type IV hearing procedures of LC Chapter 14.060~~LC 14.300~~.

(ii) Notice of the time and place of hearing shall be given, pursuant to Type IV noticing procedures of LC Chapter 14.060~~LC 14.300~~.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to Type IV hearing procedures of LC Chapter 14.060~~LC 14.300~~.

(ii) Notice of the time and place of the hearing shall be given pursuant to Type IV noticing procedures of LC Chapter 14.060~~LC 14.300~~.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to Type IV noticing procedures of LC Chapter 14.060~~LC 14.300~~.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official s consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is



hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to Type IV procedures of LC Chapter 14LC-14.050.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal;

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Non-resource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).



(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal, review, and approval of an application pursuant to Type IV procedures of LC Chapter 14 ~~LC 14.050 and after review and approval of the application pursuant to~~ LC 16.400(6) and (10).

(a) As used in this subsection, "abandoned or diminished mill site" means a mill, plant of other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

- (i) Is located outside of urban growth boundaries;
- (ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
- (iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(b) An abandoned or diminished mill site designated as Rural Industrial zone (RI, RCP) pursuant to LC 16.400(10), may be developed for any level of industrial use pursuant to LC 16.292(3)(o), is exempt from the standards of LC 16.292(3)(b), and may occur outside a building or in one or more buildings of any size.

(c) Concurrently with approval of a plan amendment, the Board may approve, without taking an exception to Statewide Goal 11:

(i) The extension of sewer facilities to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(ii) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for Rural Industrial (RI, RCP) use under LC 16.400(10) only as necessary to serve industrial uses authorized for the mill site.

(iii) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(d) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the

industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(e) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(f) The Board shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10), land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(g) For an abandoned or diminished mill site subject to LC 16.400(10)(f), the Planning Director may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The Planning Director may not approve a permit for retail, commercial or residential development on the mill site.

(h) For land that on June 10, 2003, was zoned Impacted Forest Land Zone (F-1, RCP), Nonimpacted Forest Land Zone (F-2, RCP), or Exclusive Farm Use Zone (E-RCP), and that is rezoned for Rural Industrial Zone (RI, RCP) under LC 16.400(10), the Board may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02; 10-04, 6.4.04; 12-04, 6.11.04; 6-11; 7.21.11; 13-1, 3.12.13)*

## **RECREATIONAL MARIJUANA USE STANDARDS**

### **16.420 Recreational Marijuana Use Standards**

- (1) **Purpose.** The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health safety and welfare of the community while at the same time allowing for these marijuana uses.
- (2) Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive

standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.

- (a) Marijuana uses are allowed as summarized in Table 1 below, and as specified in each applicable code section.
- (b) Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.
- (c) Prohibited farm uses. In accordance with Oregon law, and notwithstanding ORS chapters 195, 196, 197 and 215, the following uses are not permitted uses on land designated for exclusive farm use:
  - (i) A new dwelling used in conjunction with a marijuana crop;
  - (ii) A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop; and
  - (iii) A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction with a marijuana crop.
- (3) **Process:** Conformance with the standards below must be demonstrated through submittal of information to the Lane County Planning Director at the time of an OLCC Lane Use Compatibility Statement (LUCS) application. Information submitted to the Lane County Planning Director must be in conformance with ~~Lane Code 14.050(1)~~LC 14.040 and include a scaled site plan depicting the subject and surrounding properties in sufficient detail to demonstrate compliance with the standards in LC 16-420(4) below. This information must also include the required ventilation/filtration materials and a lighting plan.
- (4) **Special Standard.** Marijuana uses are subject to the following standards and criteria:
  - (a) **Setbacks.**
    - (i) **Outdoor production.** Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.
    - (ii) **Indoor production.** Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line, or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.
  - (b) **Ventilation and air filtration.** Any building, including greenhouses, hoop houses and other similar structures, used for marijuana production or marijuana processing must be equipped with an activated charcoal or carbon filtration or other ventilation system in conformance with the

standards below. Evidence of the equipment and materials utilized for meeting the standards below, including manufactures specifications, and a design/schematic of the system showing how it will function must be submitted to Lane County Planning Director.

- (i) The submitted design/schematic for the system must be stamped by a mechanical engineer that is currently licensed in the State of Oregon.
- (ii) The system must consist of one or more fans and filters.
- (iii) At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.
- (iv) Activated charcoal or carbon filter(s) must be used in the ventilation system and must filter all of the ventilated air. The filter(s) must be rated for the required CFM as calculated in ii above.
- (v) The filters must be maintained and/or replaced in conformance with the manufactures specifications.
- (vi) The filtration system, including the activated charcoal or carbon filters, must be maintained in working order and must be in use.
- (vii) The opening for any exterior exhaust vent for the ventilation system must:
  - 1. Be in a location that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.
  - 2. Be oriented in a direction that is at least 45 degrees away from any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.
- (viii) An alternative ventilation control system is permitted if the applicant's submittal, stamped by a mechanical engineer that is currently licensed in the State of Oregon, demonstrates that the alternative system will filter the air as well or better than the carbon filtration system otherwise required.
- (c) **Lighting.** A lighting plan showing the location and design of any and all lighting fixtures associate with the use and how the light fixtures will be screened or shielded in conformance with the following standards must be submitted to the Lane County Land Management Division Planning Director.

- (i) Light cast by light fixtures associated with a marijuana production and/or marijuana processing use, inside any building(s) or greenhouse(s) must be screened or shielded from view from the surrounding property boundaries from sunset to sunrise the following day.
- (ii) Outdoor marijuana grow lights must not be illuminated from sunset to sunrise the following day.
- (iii) Light cast by exterior light fixtures other than marijuana grow lights (e.g. security lights, driveway lights, etc.) must not shine, or direct illumination or glare onto adjacent properties.
- (d) **Noise.** Noise from mechanical equipment including but not limited to heating, ventilation, air conditioning, lighting, or odor control equipment must comply with Lane Code Chapter 5.600 thru 5.635 where applicable.
- (e) **Marijuana processing.** Marijuana processing, other than primary processing allowed under the definition for farm use, will only be permitted on properties located within the boundaries of a fire protection district.
- (f) **Marijuana testing laboratory.** A marijuana testing laboratory use must be conducted entirely indoors.
- (g) Marijuana Research may be conducted in conjunction with marijuana production and processing or as a standalone use as specified in the applicable zone. Marijuana research will be subject to the odor, noise and lighting standards listed in 16.420(3)(d)-(e).

At left margin indicates changes  
**Bold** indicates material being added  
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16.420

**Table 1**

|    |   |   | <b>Forest zones<br/>(F-1 &amp; F-2)<br/>(LC 16.210 &amp; 16.211)</b> | <b>Farm zone (EFU)<br/>(LC 16.212)</b>                   | <b>Commercial zones (RC)<br/>(LC 16.291)</b>                          | <b>Industrial zones<br/>(RI, GI, LI)<br/>(LC 16.280 &amp; 16.292)</b> | <b>Residential<br/>and all other<br/>base zones not<br/>listed in this<br/>table</b> |
|----|---|---|--|--|---|---|--|
|    | <b>OLCC License /<br/>Certificate<br/>Type</b>          | <b>Use</b>                                      |  |  |   |   |  |
| 1. | <b>Producer<br/>(grower)<br/>license<br/>(Farm use)</b> | <b>Marijuana<br/>Production</b>                 | Allowed outright as a<br>farm use.                                   | Allowed outright as a<br>farm use.                       | Tier 1:<br>Allowed/Discretionary<br>– Special Use Permit<br>Required. | Allowed/Discretionary<br>- Special Use Permit<br>Required             | Prohibited   |
| 2. | <b>Processor<br/>license</b>                            | <b>Marijuana<br/>Processing</b>                 | Prohibited   | Discretionary -Special<br>Use Permit<br>Required***      | Discretionary -Special<br>Use Permit Required                         | Allowed/Discretionary<br>-Special Use Permit<br>Required              | Prohibited   |
| 3. | <b>Wholesaler<br/>license</b>                           | <b>Marijuana<br/>Wholesale<br/>Distribution</b> | Allowed outright under<br>the definition of farm<br>use.             | Allowed outright under<br>the definition of farm<br>use. | Prohibited  | Allowed/Discretionary<br>-Special Use Permit<br>Required              | Prohibited   |
| 4. | <b>Retail license</b>                                   | <b>Marijuana<br/>Retail Sales</b>               | Prohibited   | Prohibited   | Allowed/Discretionary<br>– Special Use Permit<br>Required             | Allowed/Discretionary<br>-Special Use Permit<br>Required**            | Prohibited   |
| 5. | <b>Laboratory<br/>License</b>                           | <b>Marijuana<br/>Laboratory<br/>Operations</b>  | Prohibited   | Prohibited   | Allowed/Discretionary<br>-Special Use Permit<br>Required              | Allowed/Discretionary<br>-Special Use Permit<br>Required**            | Prohibited   |
| 6. | <b>Research<br/>Certificate</b>                         | <b>Marijuana<br/>Research</b>                   | Allowed in conjunction<br>with a farm use                            | Allowed in conjunction<br>with a farm use                | Prohibited  | Allowed/Discretionary<br>-Special Use Permit<br>Required**            | Prohibited   |

\*\* Size limitation of LC 16.292(3)(b) apply.

\*\*\* Subject to limits of LC 16.212(4)(h)

(Revised by Ordinance No. 15-08 Effective 12.15.15)