

(14) Residential Home.

(15) 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.

(16) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-91, 5.17.91)*

10.145-15 Conditional Uses.

The following conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320).

(1) Any of the conditional uses set forth in the general Conditional Use Permit section (LC 10.320-15).

(2) Clinic.

(3) Day nursery school.

(4) Group care home including residential care facilities as defined by ORS 197.660(1).

(5) Hospital.

(6) Nursing home.

(7) Private and public park, playground or community center.

(8) Public packing area or parking garage.

(9) Telephone or telegraph exchange, excluding outdoor storage of vehicles or materials.

(10) Kennel, provided the following conditions are satisfied.

(a) The maximum number of dogs over four (4) months of age shall be five (5).

(b) For more than three (3) dogs over four (4) months of age, there shall be at least five thousand (5,000) square feet of lot area for each dog on the lot.

(c) All kennel structures and fenced runs accommodating a total of more than three (3) dogs over four (4) months of age shall be maintained at least one hundred (100) feet from an adjoining property.

(d) All dogs shall be owned by the occupant of the premises, except those temporarily kept for the purpose of breeding.

(11) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-91, 5.17.91)*

10.145-21 Height.

(Also see LC 10.300-10.) No building may extend above the sun exposure plane. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.145-23 Setback Requirements.

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

(1) Front yard setback shall be 15 feet except that garages, carports and parking spaces with access from the front or side of the property shall be 20 feet.

(2) Side yard setback.

(a) Interior - 10 feet;

(b) Street - 15 feet;

(c) Garages, carports, or parking spaces with access from a street side yard - not less than 20 feet from the property line;

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. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.145-40 Lot Dimensions.

(Also see LC 10.300-20.)

- (1) Minimum area - 20,000 square feet.
- (2) Minimum width - 100 feet.
- (3) Minimum depth - 80 feet.
- (4) The minimum area and width requirements shall not apply to either single-family or two-family dwellings established in an RG zone. Minimum average area and width requirements for and two-family dwellings are as set forth in LC 10.300-20. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

RESIDENTIAL - PROFESSIONAL DISTRICT (RP)

10.150-10 Permitted Buildings and Uses.

In the RP District, 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.

- (1) Single-family dwelling.
- (2) Two-family dwelling (duplex).
- (3) Multiple dwelling.
- (4) Court apartment, boarding house.
- (5) Townhouse.
- (6) Church.
- (7) Schools, public and private (elementary, junior high or senior high).
- (8) Public buildings or structures essential to the physical and economic welfare of the area in which they are 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.
- (9) Home occupations. (See LC 10.340 for provisions.)
- (10) Barber shop.
- (11) Beauty shop.
- (12) Clinic.
- (13) Laboratory, biochemical and x-ray.
- (14) Offices for the following:
 - (a) Accountant.
 - (b) Attorney.
 - (c) Bookkeeper.
 - (d) Doctor, dentist, optometrist, oculist, chiropractor and others licensed by the State of Oregon to practice the healing arts.
 - (e) Engineer, architect, urban planner, landscape architect, surveyor, designer and those engaged in the practice of graphics or drafting.
 - (f) Insurance.
 - (g) Real estate.
 - (h) Stockbroker.
 - (i) Timber broker.
- (15) Pharmacy, dispensing of drugs and medical supplies only.
- (16) Studios for the following:

- (a) Artist.
- (b) Interior decorator.
- (c) Photographer.

- (17) Telephone answering service.
- (18) Secretarial service.
- (19) Accessory buildings and structures.
- (20) Private parking area.
- (21) Private parking garage.
- (22) Family day care facility in a permitted residence.
- (23) Residential Home.

(24) 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.

(25) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-91, 5.17.91)*

10.150-15 Conditional Uses.

The following conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320).

- (1) Any of the conditional uses set forth in the general Conditional Use Permit section (LC 10.320-15).
- (2) Bank.
- (3) Chapel.
- (4) Day nursery school.
- (5) Group care home, including residential care facilities as defined by ORS 197.660(1).
- (6) Hospital.
- (7) Mortuary.
- (8) Nursing home.
- (9) Private and public park, playground or community center.
- (10) Public parking area or parking garage.
- (11) Telephone or telegraph exchange, excluding the storage of vehicles or materials.
- (12) Kennel, provided the following conditions are satisfied:
 - (a) The maximum number of dogs over four (4) months of age shall be five (5).
 - (b) For more than three (3) dogs over four (4) months of age, there shall be at least five thousand (5,000) square feet of lot area for each dog on the lot.
 - (c) All kennel structures and fenced runs accommodating a total of more than three (3) dogs over four (4) months of age shall be maintained at least one hundred (100) feet from an adjoining property.
 - (d) All dogs shall be owned by the occupant of the premises: except those temporarily kept for the purpose of breeding.

(13) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-91, 5.17.91)*

10.150-21 Height. (Also see LC 10.300-10.)

- (1) The maximum height for the main building is two and one-half stories or thirty feet in height, whichever is the lesser.

10.154-10 Permitted Buildings and Uses.

In the Rural Commercial District, the following types of structures and uses are permitted as described in this section and subject to the general provisions and exceptions set forth in this chapter:

- (1) One single-family dwelling per lot or one mobile home per lot.
- (2) Grocery store, general store.
- (3) Fruit and vegetable store or stand.
- (4) Dairy product store.
- (5) Meat market, including locker storage.
- (6) Public and semipublic building.
- (7) Retail or wholesale nurseries.
- (8) Service station, provided greasing and tire repair are performed completely within an enclosed building.
- (9) Feed and seed store.
- (10) Other uses similar to the above.
- (11) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 3-76, Effective 4.7.76)*

10.154-15 Conditional Uses.

The following types of buildings and uses may be allowed, subject to the granting of a conditional use permit in accordance with the general provisions of this chapter regarding such permits (LC 10.320), and subject to the general provisions and exceptions set forth in this chapter:

- (1) Auction house.
- (2) Automobile repair shop.
- (3) Lumber and building materials dealer.
- (4) New and used farm equipment sales and service.
- (5) Welding repair.
- (6) Rental facilities for storing boat and recreational vehicles.
- (7) Veterinarian clinics.
- (8) Multiple-family dwellings.
- (9) Taverns.
- (10) 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.
- (11) Other uses similar to the above.
- (12) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 3-76, Effective 4.7.76; 9-76, 8.27.76; 3-91, 5.17.91)*

10.154-21 Height.

(Also see LC 10.300-10.) 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. *(Revised by Ordinance No. 3-76, Effective 4.7.76)*

10.154-23 Setback Requirements.

(Also see 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 -- 10 feet.
 - (b) Street side yard -- 20 feet.

(3) Rear yard setback shall be 10 feet.

(4) Setback requirements may be waived for commercial buildings constructed side by side pursuant to a variance granted under LC 10.330-05. *(Revised by Ordinance No. 3-76, Effective 4.7.76)*

10.154-28 Vision Clearance.

Vision clearance on corner lots shall be a minimum of 15 feet. *(Revised by Ordinance No. 3-76, Effective 4.7.76)*

10.154-35 Parking.

As provided in LC 10.300-05, except that LC 10.300-05(3)(c) shall not apply to the CA District. *(Revised by Ordinance No. 3-76, Effective 4.7.76)*

10.154-95 Telecommunication Towers.

Notwithstanding the requirements in LC 10.154-05 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)*

LIMITED COMMERCIAL DISTRICT (C-1)

10.155-10 Permitted Buildings and Uses.

In the C-1 District, 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.

(1) Any use permitted in the RG and RP zones (LC 10.145 and LC 10.150) in accordance with the requirements of those respective zones.

(2) Auto courts constructed and arranged in accordance with plans approved by the Planning Commission.

(3) Business and professional offices.

(4) Clinics.

(5) Flower and plant nurseries; provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

(6) Public parking areas developed in accordance with provisions established in the general Off-Street Parking section (LC 10.300-05).

(7) Service stations, provided greasing and tire repairing are performed completely within an enclosed building.

(8) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.155-15 Conditional Uses.

The following conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320).

(1) Any of the conditional uses set forth in the general Conditional Use Permit section (LC 10.320-15), except mobile home parks pursuant to LC 10.320-15(1)(p).

(2) Kennel, provided the following conditions are satisfied:

(a) The maximum number of dogs over four (4) months of age shall be five (5).

(b) For more than three (3) dogs over four (4) months of age, there shall be at least five thousand (5,000) square feet of lot area for each dog on the lot.

(c) All kennel structures and fenced runs accommodating a total of more than three (3) dogs over four (4) months of age shall be maintained at least one hundred (100) feet from an adjoining property.

(d) All dogs shall be owned by the occupant of the premises, except those temporarily kept for the purpose of breeding.

(3) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-91, 5.17.91)*

10.155-21 Height.

(Also see LC 10.300-10.) No building or structure, nor the enlargement of any building or structure, shall be hereafter erected or maintained to exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except apartment houses, which may be constructed to a height of three stories, or forty-five (45) feet in height. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.155-23 Setback Requirements.

(Also see LC 10.300-15 and 15.065.)

(1) Front Yard. Front yards in C-1 zones shall be not less than fifteen feet deep.

(2) Side Yard. On interior lots there shall be a side yard of not less than five (5) feet. On corner building sites, no building shall be closer than ten feet to the exterior side line. *(Revised by Ordinance No. 13-72, Effective 7.21.72, 6-75, 3.26.75)*

10.155-26 Lot Coverage.

The main building or buildings and accessory buildings shall not occupy in excess of sixty (60) percent of the ground area. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.155-28 Vision Clearance.

(1) Vision clearance for corner lots shall be fifteen feet.

(2) Vision clearance on alley-street intersections shall be seven and one-half feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.155-35 Off-Street Parking.

(1) Parking space requirements for "R" zone uses are given under the applicable section.

(2) Auto courts shall provide at least one garage space of not less than one hundred twenty-six (126) square feet net area for each living unit.

(3) Business and professional offices and nurseries shall provide at least one parking space for each two thousand (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.

(4) Clinics shall provide at least two parking spaces for each consultation and operating room. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.155-36 Signs.

Exterior signs shall be limited to two per business establishment, and shall be designed as a part of the building. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.155-40 Area.

(Also see LC 10.300-20.)

(1) Size of Lot.

(a) Lots shall have a minimum average width of sixty feet and a minimum area of six thousand square feet, except that where a lot has an average width of less than sixty feet as of January 8, 1969, such lot may be occupied by any use permitted in this section.

(b) Space required for auto courts shall be not less than twelve hundred square feet of lot space per dwelling or sleeping unit. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

NEIGHBORHOOD COMMERCIAL DISTRICT (C-2)**10.160-10 Permitted Buildings and Uses.**

In the C-2 District, 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:

(1) Any residential or "R" use which is not lower than the most restricted "R" use abutting the C-2 District in accordance with the requirement of the respective "R" district.

(2) Bakery.

(3) Bank.

(4) Barber shop or beauty parlor.

(5) Book or stationery store.

(6) Catering service.

(7) Clothes cleaning and/or pressing establishment,

provided equipment shall be limited to two clothes cleaning units with a rated capacity of not more than forty pounds each, and shall be of the closed-type unit, using perchlorethylene cleaning solvent.

(8) Clubs or lodges, fraternal and religious associations.

(9) Confectionery store.

(10) Curios and antiques.

(11) Delicatessen store.

(12) Department store.

(13) Drug store.

(14) Dry goods or notions store.

(15) Florist or gift shop.

(16) Furniture, household goods and furnishings.

(17) Laundry agency.

(18) Laundry (self-service).

(19) Meat market.

(20) Millinery or custom dressmaking shops.

(21) Musical instruments and supplies.

(22) Office supplies and equipment.

(23) Paint and wallpaper supplies.

(24) Photographer.

(25) Plumbing supplies.

(26) Printing.

(27) Public parking areas developed in accordance with provisions established in LC 10.300-05.

- (28) Restaurants, tea rooms, cafes.
- (29) Seeds and garden supplies.
- (30) Service stations, provided greasing and tire repairing are performed completely within an enclosed building.
- (31) Shoe or shoe repair shop.
- (32) Sporting goods.
- (33) Surgical supplies and equipment.
- (34) Tailor, clothing, and wearing apparel shops.
- (35) Telephone and telegraph exchanges.
- (36) Theaters (conventional).
- (37) Other uses similar to the above.

The above-specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively, and shall be permitted only under the following conditions:

(a) Such stores, shops or businesses shall be conducted wholly within an enclosed building.

(b) All products produced shall be sold at retail, on the premises.

(38) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.160-15 Conditional Uses.

The following conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320).

(1) Any of the conditional uses set forth in the general Conditional Use Permit section (LC 10.320-15), except mobile home parks pursuant to LC 10.320-15(p).

(2) Kennel, provided the following conditions are satisfied:

(a) The maximum number of dogs over four (4) months of age shall be five (5).

(b) For more than three (3) dogs over four (4) months of age, there shall be at least five thousand (5,000) square feet of lot area for each dog on the lot.

(c) All kennel structures and fenced runs accommodating a total of more than three (3) dogs over four (4) months of age shall be maintained at least one hundred (100) feet from an adjoining property.

(d) All dogs shall be owned by the occupant of the premises except those temporarily kept for the propose of breeding.

(3) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-91, 5.17.91)*

10.160-23 Setback Requirements.

(Also see LC 10.300-15 and 15.065.)

(1) Front Yard. Front yards will not be required except where specified setbacks are established for road widening purposes.

(2) Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of three feet wide and three feet deep.

(3) Rear Yard. No structural improvements except road surfacing will be allowed within ten feet of the centerline of the alley. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75)*

10.160-26 Lot Coverage.

Full coverage is allowable, provided minimum loading space and setbacks have been provided. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.160-28 Vision Clearance.

Vision clearance for corner lots on streets with widths of less than sixty-six feet shall be a minimum of one foot vision clearance for each foot of street width under sixty-six feet; provided that a vision clearance of more than ten feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.160-35 Off-Street Parking.

(1) Parking space and loading space shall be provided as specified in the General Parking Requirements (LC 10.300-05).

(2) Parking space for dwellings shall be in accordance with the requirements for the type of dwelling structure as provided in the RG zone (LC 10.145). *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

COMMERCIAL DISTRICT (C-3)**10.165-10 Permitted Buildings and Uses.**

In the C-3 District, 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:

(1) Any use permitted in the RG, RP and C-2 Districts (LC 10.145, .150, and .160) provided separate residential uses are developed in accordance with the requirements of the RG District.

(2) Agricultural supplies and machinery sales room.

(3) Automobile sales agencies or garages.

(4) 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.

(5) Dry-cleaning establishments using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than forty pounds, using cleaning fluid which is non-odorous, as well as nonexplosive and nonflammable at temperatures below 138.5°F.

(6) Feed and fuel stores.

(7) Fumigation chambers, when approved by the Oregon State Board of Health.

(8) Outdoor advertising.

(9) 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.

(10) Plumbing and sheet metal.

(11) Professional playfields, including baseball, football, etc.

(12) Second-hand stores, if conducted wholly within an enclosed building.

(13) Stadiums.

(14) 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.

(15) Stores (retail and wholesale) and business uses similar to the above and normally located in a commercial district, provided that:

(a) Where there is manufacturing, compounding, processing or treatment of produce for wholesale, a minimum of 25% of the total floor area shall be used for retail stores.

(b) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.

(16) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.165-15 Conditional Uses.

The following conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320).

(1) Any of the conditional uses set forth in the general Conditional Use Permit section (LC 10.320-15), except mobile home parks pursuant to LC 10.320-15(1)(p).

(2) Kennel, provided the following conditions are satisfied:

(a) The maximum number of dogs over four (4) months of age shall be five (5).

(b) For more than three (3) dogs over four (4) months of age, there shall be at least five thousand (5,000) square feet of lot area for each dog on the lot.

(c) All kennel structures and fenced runs accommodating a total of more than three (3) dogs over four (4) months of age shall be maintained at least one hundred (100) feet from an adjoining property.

(d) All dogs shall be owned by the occupant of the premises, except those temporarily kept for the purpose of breeding.

(3) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-91, 5.17.91)*

10.165-23 Setback Requirements.

(Also see LC 10.300-15 and 15.065.)

(1) Front Yard. Front yards will not be required except where specific setbacks are established for road widening purposes.

(2) Side Yard. Side yards will not be required, but if side yards are created they shall be a minimum of three feet wide and three feet deep.

(3) Rear Yard. No structural improvements except road surfacing will be allowed within ten feet of the centerline of the alley. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75)*

10.165-26 Lot Coverage.

Full coverage is allowable, provided minimum loading space and setbacks have been provided. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.165-28 Vision Clearance.

Vision clearance for corner lots on streets with widths of less than sixty-six feet shall be a minimum of one foot vision clearance for each foot of street width under sixty-six feet, provided that a vision clearance of more than ten feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

TOURIST COMMERCIAL DISTRICT (CT)

10.166-05 Purpose.

The Tourist Commercial District is intended to provide for accommodations and facilities serving tourists, the motoring public, and other travelers and to provide basic local services for permanent and seasonal residents. This district is further intended to be utilized only in those areas where the development of such facilities is necessary and appropriate such as areas located at central intervals on thoroughfares and at freeway interchanges, areas with high recreation or tourist use adjacent to or within rural communities, or similar areas with intensive tourist use.

A Tourist Commercial District is likely to be located in an area of the County where its impact on the natural environment and/ or communities may be substantial. Consequently, the highest possible standard and quality of development is necessary. Site review procedures are required. *(Revised by Ordinance No. 3-76; Effective 4.7.76)*

10.166-10 Permitted Buildings and Uses.

In the Tourist Commercial District, the following types of structures and uses are permitted as described in this section and subject to the general provisions and exceptions set forth in this chapter and subject to a site review permit granted pursuant to LC 10.335:

- (1) One residence for the owner, manager or operator connected with the permitted activity.
- (2) Motel, hotel.
- (3) Restaurant.
- (4) Bars, nightclubs, taverns, (only as an accessory to a restaurant).
- (5) Grocery store.
- (6) Service station.
- (7) Bus station.
- (8) Automobile rental agencies.
- (9) Kennels (only as an accessory to a motel or hotel).
- (10) Public and semipublic buildings and structures rendering direct service to the public in local areas, such as fire stations, utility substations and pump stations, provided that no stockpiling or storage of materials shall be allowed.
- (11) Sporting equipment and other recreational equipment rental services.
- (12) Tourist information center.
- (13) Car wash.
- (14) Laundromat, cleaners.
- (15) Barber shop, beauty shop.
- (16) Photographic shop.
- (17) Shoe repair shop.
- (18) Drugstore, pharmacy.
- (19) Gift shop, curio shop.
- (20) Florist shop.
- (21) Public or private museum, art gallery, or similar use.
- (22) Newsstands.
- (23) Bakery.
- (24) Apparel store.
- (25) Outdoor stages and entertainment areas.
- (26) Tourist activities similar to the above.
- (27) Family day care facility in a permitted residence.
- (28) Residential Home.

(29) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 3-76; Effective 4.7.76; 3-91, 5.17.91)*

10.166-15 Conditional Uses.

The following types of buildings and uses may be allowed, subject to the granting of a conditional use permit in accordance with the general provisions of this chapter regarding such permits (LC 10.320), and subject to the general provisions and exceptions set forth in this chapter:

- (1) Overnight trailer and camper facilities.
- (2) Truck fueling or service stations, auto repair garages (provided all repair be conducted entirely within an enclosed building).
- (3) Marina boat launching and moorage facility, boat charter or rental service.
- (4) Kennel which is not accessory to a motel or hotel.
- (5) Offices incidental to professional services such as real estate, engineering, contracting, legal, medical, accounting, and similar services.
- (6) Churches, community centers.
- (7) Bars, nightclubs, taverns, not accessory to restaurants.
- (8) Animal hospitals or clinics.
- (9) Rental facilities for storing boats and recreational vehicles.
- (10) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 3-76; Effective 4.7.76)*

10.166-21 Height.

(Also see LC 10.300-10.) 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. *(Revised by Ordinance No. 3-76; Effective 4.7.76)*

10.166-23 Setback Requirements.

(Also see 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 -10 feet.
 - (b) Street side yard -20 feet.
- (3) Rear yard setback shall be 10 feet. *(Revised by Ordinance No. 3-76; Effective 4.7.76)*

10.166-28 Vision Clearance.

Vision clearance on corner lots shall be a minimum of 15 feet. *(Revised by Ordinance No. 3-76; Effective 4.7.76)*

10.166-35 Parking.

(As provided in LC 10.300-05.) *(Revised by Ordinance No. 3-76; Effective 4.7.76)*

10.166-42 Area.

(Also see LC 10.300-20.)

- (1) The minimum area for the division of land shall be five acres.
- (2) Notwithstanding the provisions of LC 10.166-42(1) above, the minimum area for a parcel or lot may be reduced 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.
(Revised by Ordinance No. 3-76; Effective 4.7.76)

10.166-95 Telecommunication Towers.

Notwithstanding the requirements in LC 10.166-05 through -42 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)

LIMITED INDUSTRIAL DISTRICT (M-1)

10.170-05 Purpose.

The Limited Industrial District (M-1) is intended to provide for manufacturing and related activities with limited external impact. (Revised by Ordinance No. 10-82; Effective 7.9.82)

10.170-10 Permitted Buildings and Uses.

In the M-1 District, 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:

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

(2) Administrative and sale offices incidental to and directly related to the operation of industrial or commercial uses permitted in this District.

(3) Single-family dwelling or mobile home for residential purposes for watchman, caretaker or operator to be located on the premise of the associated use.

(4) Kennel, 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 500 square feet of lot area for each dog on the lot.

(c) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.

(5) Laboratories, research and testing.

(6) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of electronic devices, electro-mechanical components, optics, testing equipment.

(7) 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.

(8) Outdoor advertising.

(9) Storage buildings for household or consumer goods.

(10) 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.

(11) 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.

(12) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

10.170-15 Conditional Use.

The following conditional uses, subject to a Conditional Use Permit granted pursuant to the provisions of this chapter providing for the granting of Conditional Use Permits (LC 10.320):

- (1) Aircraft landing field or heliport in conjunction with a use permitted in this District.
- (2) Banks.
- (3) Barbershop, beauty shop.
- (4) Building maintenance service.
- (5) Carnival, circus.
- (6) Convenience grocery store (maximum of 2,000 square feet).
- (7) Correctional institution, jail, penal farm.
- (8) Credit union office.
- (9) Garbage dump, garbage transfer facility.
- (10) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (11) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.
- (12) Other uses similar to permitted uses in this District, provided that:
 - (a) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
 - (b) Items manufactured, assembled, processed or produced in area shall be for wholesale.
- (13) Public and private parking areas and garages.
- (14) 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.
- (15) Restaurants, taverns.
- (16) Rock, sand, gravel and loam excavations, with incidental processing.
- (17) Service stations.
- (18) Sewage treatment facilities.
- (19) Expansion of a lawful pre-existing use in excess of that allowed as a permitted use.
- (20) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

10.170-23 Setback Requirements.

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

- (1) Front Yard. Front yards shall be not less than 15 feet deep.
- (2) Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of three feet wide and three feet deep. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75)*

10.170-26 Lot Coverage.

Full coverage is allowable, provided minimum load space and setbacks have been provided. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.170-28 Vision Clearance.

- (1) Vision clearance for corner lots shall be a minimum of 15 feet.
- (2) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.170-35 Off-Street Parking.

(Also see LC 10.300-05.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.170-95 Telecommunication Towers.

Notwithstanding the requirements in LC 10.170-05 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)*

LIGHT INDUSTRIAL DISTRICT (M-2)**10.175-05 Purpose.**

The Light Industrial District (M-2) is intended to provide areas for a wide range of manufacturing and assembly of materials into finished products and for warehousing, and wholesale businesses. *(Revised by Ordinance No. 10-82; Effective 7.9.82)*

10.175-10 Permitted Buildings and Uses.

In the M-2 District, 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:

- (1) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
- (2) Any use permitted in the M-1 District (LC 10.170-10).
- (3) Bottling works, including alcoholic beverages.
- (4) Collection, recycling, sorting, baling, or processing of previously used material such as rags, paper, metals, glass or plastics.
- (5) Contractor's equipment storage yards; light and heavy equipment sales, rental or repair.
- (6) Feed and seed store.
- (7) Freighting and trucking yards, or terminal.
- (8) Mobile home sales and repairs.
- (9) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- (10) Lumberyards, and building material sales.
- (11) 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.

(12) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.

(13) Moving equipment rental, parcel delivery plant.

(14) Poultry or rabbit killing, incidental to a retail trade on the same premises.

(15) Tire recapping.

(16) Other uses similar to the above, 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.

(17) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

10.175-15 Conditional Uses.

The following conditional uses, subject to a Conditional Use Permit granted pursuant to the provisions of this chapter providing for the granting of Conditional Use Permits (LC 10.320).

(1) Any of the conditional uses listed in the M-1 District (LC 10.170-15). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

10.175-23 Setback Requirements.

(Also see LC 10.300-15.)

(1) Front Yard. No front yard will be required.

(2) Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of three feet wide and three feet deep.

(3) Rear Yard. No structural improvements except road surfacing will be allowed within 10 feet of the centerline of an existing alley. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.175-26 Lot Coverage.

Full coverage is allowable, provided minimum parking space, loading space and setbacks have been provided. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.175-28 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. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

10.175-35 Off-Street Parking.

(Also see LC 10.300-05.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.175-95 Telecommunication Towers.

Notwithstanding the requirements in LC 10.175-05 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)*

HEAVY INDUSTRIAL DISTRICT (M-3)

10.180-05 Purpose.

The Heavy Industrial District is intended to provide areas for the location of primary processing industries and to provide for other industrial uses unsuitable for location in other industrial Districts. *(Revised by Ordinance No. 10-82; Effective 7.9.82)*

10.180-10 Permitted Buildings and Uses.

In the M-3 District, 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:

- (1) Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.
- (2) Any use permitted in the M-2 District (LC 10.175-10).
- (3) 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.
- (4) 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.
- (5) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.
- (6) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

10.180-15 Conditional Uses.

The following conditional uses, subject to a Conditional Use Permit granted pursuant to the provisions of this chapter providing for the granting of Conditional Use Permits (LC 10.320):

- (1) Any of the conditional uses listed in the M-1 District (LC 10.170-15). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 10-82, 7.9.82)*

10.180-23 Setback Requirements.

(Also see LC 10.300-15 and 15.065).

- (1) Front Yard. No front yard will be required.
- (2) Side Yard. Side yards will not be required, but if side yards are created, they shall be a minimum of three feet wide and three feet deep. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 6-75, 3.26.75)*

10.180-26 Lot Coverage.

Full coverage is allowable; provided minimum parking space and setbacks have been provided. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

all under the legal control of the applicant. Permit approvals on a parcel or parcels of less than 300 acres in size cannot be given under the provisions of this section. No existing parcels may be partitioned or divided, within the area to which the /SI District is applied, which would result in new parcels of less than 300 acres in area. *(Revised by Ordinance No. 20-80; Effective 11.14.80)*

SPECIAL HEAVY INDUSTRIAL DISTRICT (M-4)

10.182-05 Purpose.

The Special Heavy Industrial District (M-4) is intended to accommodate relocation of existing heavy industrial uses which do not have sufficient room for expansion and to accommodate a limited range of other heavy industries. The District is also intended to accommodate new uses likely to benefit from local advantage for processing, preparing and storing raw materials, such as timber, agriculture, aggregate or by-products or waste products from other manufacturing processes. The retention of land in large ownerships is necessary to achieve the purposes of this District. As the necessary minimum key urban facilities and services are not available to these areas in the short term, onsite facilities may be provided on an interim basis subject to State, Federal, and local environmental quality standards. The District is also intended to recognize the interim use of land zoned M-4 for farm use and forest land production until the land is needed for Special Heavy Industrial use. *(Revised by Ordinance No. 10-82; Effective 7.9.82)*

10.182-10 Location.

The Special Heavy Industrial District is to be applied where the following conditions exist:

- (1) Land is designated "Special Heavy Industrial" in the Comprehensive Plan. *(Revised by Ordinance No. 10-82; Effective 7.9.82)*

10.182-15 Permitted Uses.

The following types of building and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this subchapter.

- (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 which will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing on the effective date of the application of this District to the property.

- (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, harvesting of forest products, including Christmas tree raising, but excluding primary timbers processing operations or vehicle and/or equipment maintenance facilities.

(4) The following uses, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a use permitted in LC 10.182-15(2) above, and are not a separate business or enterprise:

- (a) Hop, nut and fruit driers.
- (b) Feed mixing and storage facilities.
- (c) Hullers.
- (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)*

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

The following uses area subject to approval by the Hearings Official pursuant to 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.
- (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)*

10.182-25 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.

10.190-49 Other Site Requirements.

(1) Recreational Area. It is desirable that two hundred square feet of recreational area be provided for each mobile home site. This area may be in one or more locations in the park, and shall be suitably improved and maintained for recreational purposes.

(2) Pad Improvements. Mobile home pads or stands shall be paved with asphaltic or concrete surfacing, or with crushed rock contained with concrete curbing.

(4) Accessories. Structures located on a mobile home site, in addition to the mobile home, shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.

(5) State Requirements. Rules and regulations governing mobile home facilities as contained in Oregon Revised Statutes, Chapter 446, and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodations and Tourist Parks," adopted by the Oregon State Board of Health, shall be applicable in the development and operation of a mobile home pad, provided, however, that the provisions of this ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations. *(Revised by Ordinance No. 13-72; Effective 7.21.72)*

AIRPORT OPERATIONS DISTRICT (AO)**10.200-05 Purpose.**

The Airport Operations District is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and non-commercial 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 District 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. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.200-10 Permitted Buildings and Uses.

In the AO District, 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:

(1) 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 run-ways, taxi-ways and tie-down areas, etc.

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

(3) Air cargo warehousing and distribution facilities.

(4) Aerial mapping and surveying.

(5) Aircraft or aircraft component manufacturing or assembly.

(6) Aircraft related research and testing.

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

(8) Schools relating to aircraft operations.

- (9) Public parking and/or auto storage.
- (10) Aircraft or air transportation business or professional uses.
- (11) Aviation clubs.
- (12) Auto rental agencies.
- (13) Hotels and motels.
- (14) Restaurants.
- (15) Taxi, bus and truck terminals.
- (16) Environmental monitoring and enforcement agencies.
- (17) General farming, including the growing of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed, and similar food and fiber products.
- (18) Pastures and grazing.
- (19) Forest or open land preserves.
- (20) Game and fish preserves.
- (21) Accessory buildings normally required in connection with a use as specified in this paragraph.
- (22) Public and semi-public buildings, structures and uses essential to the physical and economic welfare of an area. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.200-15 Conditional Uses.

Airport related uses not listed in LC 10.200-10 above are conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320). 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. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.200-20 Conformance Requirement.

All structures and uses within the Airport Operations District 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 #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. *(Revised by Ordinance No. 7-73E, Effective 7.11.73)*

10.200-23 Setback Requirements.

- (1) Front Yard. Front yards shall be not less than twenty (20) feet deep.
- (2) Side Yard. Side yards shall be not less than five (5) feet for residential use. Side yards shall not be required for non-residential permitted uses, but if provided shall be not less than five feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.200-28 Vision Clearance.

Vision clearance for corner lots shall be a minimum of fifteen (15) feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72)*

10.200-42 Area.

- (1) The minimum area for the division of land shall be five (5) acres.

(2) Notwithstanding the provisions of paragraph (1) 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 district 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.

(3) The following animal use area regulations shall apply on lots of less than five (5) acres.

Cows, horses, sheep or goats cannot be kept on lots having an area of less than one (1) acre. The minimum area for such animals (other than their young under the age of six months) on less than five (5) acres shall be as follows:

Horses	One (1) per acre, plus one additional for every 15,000 square feet.
Cows	One (1) per acre, plus one additional for every 10,000 square feet.
Goats or sheep	Five (5) per acre, plus one (1) 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 No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 13-73, 11.21.73 [4-17-74])*

AIRPORT VICINITY DISTRICT (AV)

10.201-05 Purpose.

The Airport Vicinity District is intended to provide areas for activities directly supporting or dependent upon aircraft or air transportation which are not of necessity required to locate within the on-site operational area of the airport. It is also intended to provide areas for open land uses which minimize potential dangers from, and conflicts with, the use of aircraft.

Underlying these purposes are the concerns that air transportation has special functional, support and safety needs; that it would be desirable to provide locational opportunities for those commercial, industrial or other land uses which require close proximity to the airport and its services, that land values should be safeguarded by preventing the encroachment of incompatible uses which could better serve the community by being located elsewhere; and that there is the need to protect the public health, safety and general welfare from hazards, noise, and other conditions incidental to airport activity. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.201-10 Permitted Buildings and Uses.

In the AV District, 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.

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

(2) Pastures and grazing.

(3) Animal husbandry, including the raising of cattle, sheep, horses, goats and rabbits (but specifically excluding poultry or fowl raised for commercial purposes), provided that such raising activities are not part of, nor conducted in conjunction with any livestock sales yard, slaughterhouse, or animal by-product business, provided further

that such uses on lots of less than five (5) acres shall be subject to the area requirements of LC 10.201-42(2).

- (4) Raising and selling of fur-bearing animals (except mink).
- (5) Keeping of honey bees and the production and sale of honey.
- (6) Forest or open land preserves.
- (7) Game and fish preserves.
- (8) Botanical gardens.
- (9) Landscape nurseries.
- (10) Golf courses.
- (11) Parks, picnic areas and other passive recreation areas except those involving public assembly.
- (12) Accessory buildings normally required in connection with a use as specified in this paragraph.
- (13) A dwelling for the owners, operators, and/or help required to carry out a use as specified in this paragraph.
- (14) One (1) single-family dwelling or one (1) mobile home per lot.
- (15) Kennel, provided the following conditions are satisfied:
 - (a) The maximum number of dogs over four (4) months of age, shall be eight (8).
 - (b) For more than three (3) dogs over four (4) months of age, there shall be at least five thousand (5,000) square feet of lot area for each dog on the lot.
 - (c) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.
- (16) Home occupations. (See LC 10.340 for home occupation provisions.)
- (17) Sale of agricultural products grown or raised on the premises, provided the sales floor area does not exceed three hundred (300) square feet.
- (18) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.201-12 Uses Permitted Subject to Site Review.

In the AV District, 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 Ordinance, and subject to a Site Review Permit granted pursuant to LC 10.335.

- (1) Air cargo warehousing and distribution facilities.
- (2) Aircraft-related research and testing laboratories.
- (3) Aerial mapping and surveying.
- (4) Aircraft or aircraft component manufacturing or assembly.
- (5) Taxi, bus and truck terminals.
- (6) Environmental monitoring and enforcement agencies.
- (7) Public and semi-public buildings, structures and uses essential to the physical and economic welfare of an area. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.201-15 Conditional Uses.

In the AV District the following conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320).

- (1) Airport-related uses not listed in LC 10.201-12 above. 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.

(2) The following uses, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a farm use, and are not a separate business or enterprise, provided the lot area is a minimum of ten(10) acres.

- (a) Hop, nut and fruit driers.
- (b) Feed mixing and storage facilities.
- (c) Hullers.
- (d) Mint Distilleries.
- (e) Seed processing, packing, shipping and storage.
- (f) Plants for the storage or packing of agricultural products produced

on the premises.

- (g) Feed lots.
- (h) Temporary and portable sawmills, barkers, and chippers.
- (i) Any other similar processing and allied farm commercial activities.

(3) Sale of agricultural products raised on the premises where the sales floor area exceeds 300 square feet; the sale of livestock grown and raised on the premises.

(4) Animal hospitals.

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

(6) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 5-81, 4.8.81)*

10.201-17 Accessory Dwellings.

Accessory dwellings are allowed as specified in LC 10.370, which are in addition to a dwelling as provided in LC 10.201-10(13) above. *(Revised by Ordinance No. 5-81, Effective 4.8.81)*

10.201-20 Conformance Requirement.

All structures and uses within the Airport Vicinity District 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 #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. *(Revised by Ordinance No. 7-73E, Effective 7.11.73)*

10.201-23 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) Street side yard -- 15 feet.
 - (b) Interior side yard -- five feet.
- (3) Rear yard setback shall be as follows:
 - (a) Street rear yard -- 15 feet.
 - (b) Interior rear yard -- five feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 6-75, 3.26.75; 5-81, 4.8.81)*

(8) Carry out these purposes with the recognition of a need for said resources and the right of each property owner to make a reasonable use of his or her land. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-07 Definitions.

Where conflicting, for the purposes of this section only, the following definitions supersede definitions otherwise provided in this Code:

(1) Director. The Director of the Department of Public Works of Lane County.

(2) Overburden. All materials lying on top of valuable sand and gravel deposits which must be moved in order to extract those valuable sand and gravel deposits.

(3) Review Committee. The Sand and Gravel Review Committee authorized to administrate the provisions of this section. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-10 Permitted Buildings and Uses.

In the S-G District, 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:

(1) Sand and gravel operations which entail the extraction, stockpiling and processing of sand, gravel, overburden and topsoil shall be permitted, subject to the requirements of the subsections of this section, but quarrying, smelting, ore reduction and other similar uses shall be excluded.

(2) The following uses shall be permitted, subject to the requirements of the subsections of this section, when conducted in conjunction with a sand and gravel operation as defined in LC 10.205-10(1) above, on the same parcel or contiguous parcels of land on which the operation is being conducted.

(a) Asphalt paving-mix plant.

(b) Cement concrete batching plant.

(c) Aggregate products fabrication and sale.

(d) Sand and gravel resource-related contractor's equipment storage yard.

(e) Sand and gravel resource-related contractor's maintenance and storage buildings.

(f) Offices and warehouses appropriate to the uses permitted in this District.

(g) Retail or wholesale sales of products related to the use of sand, gravel and related products.

(3) Other uses permitted:

(a) Agriculture, grazing or timber raising.

(b) Dwellings for owners, operators or help required to carry out LC 10.205(10)(2)(a) above.

(c) Accessory buildings normally required in LC 10.205(10)(2)(a) above.

(d) Public parks and recreation areas.

(e) Extraction of sand, gravel and overburden, any combination of which does not exceed 1,000 cubic yards in any calendar year.

(f) Kennel, provided the following conditions are satisfied:

(i) For more than three (3) 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 less than 20 acres, the maximum number of dogs over four months of age shall be eight.

(iii) 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.

(g) Electrical facilities providing only direct service to a use authorized in this District.

(h) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).

(4) Signs to be used in connection with sand and gravel operations:

(a) Identification signs (exterior) shall be limited to two per business establishment, and shall be designed as a part of the building. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-15 Conditional Uses.

The following conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320):

(1) Any of the conditional uses set forth in the general Conditional Use Permit Section (LC 10.320-15), except LC 10.320-15(1)(m), which is a permitted use.

(2) Drive-in theaters.

(3) Extraction, processing and stockpiling of sand, gravel and overburden on a parcel or contiguous parcels less than 20 acres in size.

(4) Private parks.

(5) Shooting preserves.

(6) Other similar uses to LC 10.205-15(2), (4) and (5) above which require limited investment in improvements upon extensive acreages of land.

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

(8) Facilities transmitting electric current in any single cable or group of cables or lines through the Sand and Gravel District.

(9) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-20 Site Improvement Standards.

(1) General. Site improvement standards hereunder are minimum standards to be observed during extraction processes to assure that the site shall be clean and orderly and left in a condition conducive to appropriate uses after extraction has been completed. Improvement of the site shall be a continuing process of planning, so that the ultimate redevelopment will be assisted by the extractive process.

(2) Minimum Site Improvement Standards. The following minimum standards of site improvements shall be met during the extraction process:

(a) Slopes and Grading.

(i) Excavations made to any setback lines shall meet the following requirements:

(aa) Excavations not made to water-producing depth.

(i-i) All banks will be left with slopes no steeper than the natural contours of the immediately surrounding area, except that steeper slopes will be permitted if the slopes are designed to be stable by a soils engineer licensed in the State of Oregon. If slopes are steeper than one vertical to one and one-half horizontal,

10.225-10 Permitted Uses.

In the NE District, 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.

- (1) Low intensity recreation which is water dependent.
- (2) Educational and scientific observation.
- (3) Navigational aids.
- (4) Passive estuarine restoration.
- (5) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (6) Low intensity grazing provided the area is a high salt marsh.
- (7) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (8) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities; and
- (9) Bridge crossings.
- (10) 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, provided no filling or dredging is required.
- (11) 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, provided no filling or dredging is required. *(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)*

10.225-15 Special Uses Approved by the Hearings Official.

The following specified uses and no others, subject to approval by the Hearings Official pursuant to LC 14.300, upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in LC 10.275 except for major projects requiring an impact assessment as set forth in LC 10.280.

- (1) (a) Uses.
 - (i) Communication facilities.
 - (ii) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (b) Criteria.
 - (i) No fill or dredging is required.
 - (ii) 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 Comprehensive Plan.
 - (iii) 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.
 - (iv) 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.
- (2) (a) Uses.
 - (i) 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.
- (b) Criteria.
 - (i) No dredge or fill is required.

(2) 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.

(3) Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization. *(Revised by Ordinance No. 12-80, Effective 7.24.80)*

10.225-35 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:

(1) The use is required for navigation or is otherwise water-dependent, and requires an estuarine location, or is specifically allowed by the NE District; and

(2) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

(3) No feasible alternative upland locations exist; and

(4) Adverse impacts on identified estuarine values are minimized.

(5) 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 10.225-35(2), (3) and (4) above are met. *(Revised by Ordinance No. 7-91, Effective 6.5.91)*

10.225-95 Telecommunication Towers.

Notwithstanding LC 10.225-05 through -35 above, telecommunication facilities are allowed subject to compliance with the requirements of LC 10.400, LC 10.225 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)*

CONSERVATION ESTUARY DISTRICT (CE)

10.230-05 Purpose.

The purpose of the Conservation Estuary District (CE) 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. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.230-10 Permitted Uses.

In the CE District, 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.

- (1) Low-intensity undeveloped recreation which is water dependent.
- (2) Scientific and educational observation.
- (3) Navigational aids, such as beacons and buoys.
- (4) Passive estuarine restoration measures.

(5) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.

(6) Natural resource preservation including protection of habitat, nutrient, fish, wildlife and aesthetic resources.

(7) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.

(8) Bridge crossings.

(9) 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.

(10) Communication facilities.

(11) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.

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

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

(14) Installation of tidegates in existing functional dikes.

(15) Bridge crossing support structures and dredging necessary for their installation.

(16) Noncommercial clamming and fishing.

(17) 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.

(18) 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.

(19) 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, provided no filling or dredging is required.

(20) 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, provided no filling or dredging is required.
(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80; 7-91, 6.5.91)

10.230-15 Special Uses Approved by the Director.

The following specified uses and no others subject to approval by the Director pursuant to 14.300. A resource capability determination is required as set forth in LC 10.275 except for major projects requiring an impact assessment as set forth in LC 10.280.

(1) (a) Uses.

(i) Private single-family, single-purpose piers or docks.

(b) Criteria and Conditions.

(i) 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 Comprehensive Plan.

(ii) The use is compatible with requirements of adjacent shorelands Comprehensive Plan designation.

(iii) The applicant attests in writing on a form provided by the Planning Director that no alternatives to the proposed structure are feasible.

DEVELOPMENT ESTUARY DISTRICT (DE)

10.235-05 Purpose.

The primary purpose of the Development Estuary District (DE) 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 District. *(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)*

10.235-10 Permitted Uses.

In the DE District, 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, provided that no such use may be permitted which involves dredging or filling of the estuary.

(1) The following waterborne transportation and associated water-dependent activities and uses:

- (a) Navigational aides.
- (b) Maintenance dredging of navigation channel.

(2) The following commercial activities and uses which are water-dependent:

- (a) Marine fueling facilities.
- (b) Marinas.
- (c) Loading and unloading facilities such as piers or docks.

(3) The following industrial activities and uses which are water-dependent:

- (a) Marine construction and repair facilities.
- (b) Log storage.

(4) The following public facilities which are waterdependent:

- (a) Marinas.
- (b) Docks and piers and other moorages.
- (c) Boat launching ramps.

(5) 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, provided no filling or dredging is required.

(6) 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, provided no filling or dredging is required.
(Revised by Ordinance No. 12-80, Effective 7.24.80; 17-80, 8.6.80)

10.235-15 Special Uses Approved by the Planning Director.

The following specified uses and no others subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in LC 10.275 except for major projects requiring an impact assessment as set forth in LC 10.280.

(1) (a) Uses.

(i) Any water-dependent use not specifically authorized in LC 10.235-10 above, provided that no such use may be permitted which involves dredging or filling of the estuary.

(b) Criteria.

(i) The use is water-dependent.

efficient and pleasant on-site environment. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73)*

10.335-15 Site Review Permits Required.

A Site Review Permit shall be required when:

(1) 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 AGT, RR, RA, R-1, RG or RP zone.

(2) Incidental to an "Order of Intent to Zone or Rezone" as provided in this chapter.

(3) Incidental to any Zoning or Rezoning Application approval when it is determined by the Board of Commissioners, 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.

(4) Incidental to an expansion of a Nonconforming Use of land and structures as permitted in this chapter.

(5) Superseded provisions of this chapter for property zoned with an Architectural Control ("X") suffice require approval of initial plans, or approval of a modification of or addition to approved plans.

(6) A District in this chapter specifically requires a Site Review Permit for uses permitted outright or conditionally in said District.

Any properties requiring a Site Review Permit pursuant to LC 10.335-15(3) 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.

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. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 3-73, 5.11.73; 3-76, 4.7.76; 5-82, 4.16.82)*

10.335-18 Site Review Permits Not Required.

It is not necessary to require a Site Review Permit when:

(1) The proposed uses or improvements are for a residential use or a use customarily provided in conjunction with a farm use.

(2) A Conditional Use Permit or Special Use Permit is required for the proposed uses or improvements.

(3) The proposed uses or improvements are located at least 200 feet from all exterior boundaries of the subject property.

(4) 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.

(5) 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.)

(6) The proposed use is a transportation facility or use listed in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 5-82, Effective 4.16.82)*

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)*

practicable. Shielding of tower lighting onto nearby properties shall be installed as part of construction of the tower.

(5) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.

(6) Equipment areas must be enclosed by a chain link fence or equivalent with or without slats for screening. *(Revised by Ordinance No. 4-02, Effective 4.10.02)*

10.400-50 Permit Renewal and Expiration Requirements for Telecommunication Towers.

(1) Approved applications for telecommunication towers shall be valid until December 31st of the year following the date of final Lane County approval and shall be renewed every two (2) years, thereafter.

(2) Permit renewal is based upon the applicant submitting documentation that the telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC) and 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.

(3) If a telecommunications tower is not constructed and placed into service within 2 years of issuance of an approved permit, the land use approval expires.

(4) If the tower is discontinued from being used as a telecommunication facility for a period of one (1) year, the tower shall be removed. To insure removal of the telecommunication facility, the applicant shall, as a condition of the Special Use Permit, provide a performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the tower and restoration of the site at the time the facility is removed. The property owner shall be notified of the determination of discontinued use and the property owner shall be responsible for removal of the telecommunication tower and equipment facilities and securing any required demolition permits within the six (6) months immediately following cessation of the operation of the telecommunication facility. The property owner shall bear the ultimate responsibility for removal of the facilities and shall sign a document that is recorded in the deed history of the subject property with Lane County Deeds and Records recognizing such responsibility. Any Special Use Permit granted for the land will automatically expire upon removal. *(Revised by Ordinance No. 4-02, Effective 4.10.02; 11-02, 10.16.02)*

TRANSPORTATION FACILITIES AND USES

10.500-05 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 10, 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 Comprehensive Plan for Lane County.

10.500-10 Definitions.

The definitions in LC 15.010 shall apply to transportation facilities and uses specified in LC 10.500-15 below.

10.500-15 Transportation Facilities and Uses.

The following transportation facilities and uses may be permitted outright or as special or conditional uses only as specified in the applicable land use zone, subject to LC 10.500-20 and applicable requirements of Lane Code:

- (1) Climbing and passing lanes.
- (2) Reconstruction or modification as defined in LC 15.010, and modernization as defined in LC 15.010 of public roads and highways, including:
 - (a) acquisition of right-of-way, including the removal or displacement of buildings but not including the creation of new parcels.
 - (b) channelization as defined in LC 15.010.
 - (c) the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way.
 - (d) the addition of travel lanes.
 - (e) continuous median turn lanes.
- (3) 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.
- (4) Improvement of public roads and related facilities such as maintenance yards, weigh stations and rest areas, to support the operation and maintenance of public roads and highways, including the acquisition of right-of-way but not resulting in the creation of new lots or parcels.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) Changes in the frequency of transit, rail and airport services.
- (9) Park and ride lots.
- (10) Realignment as defined in LC 15.010 not otherwise allowed in this section.
- (11) Replacement of an intersection with an interchange.
- (12) 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).
- (13) Transportation facilities, services and improvements other than those listed in LC 10.500-15 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.
- (14) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.
- (15) Railroad mainlines and branchlines.
- (16) Pipelines consistent with the definition of a Transportation Facility in LC 15.010(36).
- (17) Navigation channels.
- (18) Expansion or alterations of public use airports that do not permit service to a larger class of airplanes, as defined by the Federal Aviation Administration.

10.500-20 Citizen Involvement.

Modernization projects, and other road improvement projects listed above in LC 10.500-15 that involve the addition of travel lanes, or the displacement or relocation of buildings, shall be subject to the following:

(1) State projects shall be subject to the public involvement policies and actions in the adopted Oregon Transportation Plan, and shall be part of the State Transportation Improvement Program (STIP) adopted by the Oregon Transportation Commission; and

(2) County projects shall be listed in the adopted Capital Improvement Program and approved and processed as to project design pursuant to the citizen involvement requirements in LM 15.580.

SPRINGFIELD URBAN GROWTH BOUNDARY/EUGENE URBAN GROWTH BOUNDARY

10.600-10 Springfield Urban Growth Boundary.

The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

10.600-15 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89, 18-90, 9-91, 13-91, 14-92, 5-93, 13-94, 3-97, 7-99, and 10-00.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings concerning a recorded subdivision or partition plat.

Road. The entire right-of-way of any public or private way that provides vehicular ingress and egress from property or provides travel between places by vehicles.

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 waste, 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, or is available, for public use.

Street. The term is synonymous with "road."

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)*

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.

(b) Any person dividing tracts of land into large parcels or lots which at some future time could be further divided and still meet the minimum area requirement of the zone in which the land is located, shall provide suitable road access to each created parcel or lot so that the future development of each parcel or lot shall provide access for redevelopment parcels or lots.

(c) The County may require that special development recommendations and/or restrictions on the location of buildings be made a matter of public record when it is deemed necessary to ensure that redivision may take place in conformity with the purpose of this chapter. If the restrictions are considered permanent, they may be recorded by separate document.

(d) Redevelopment plans may be required to show compliance to LC 13.050(4)(a), (b) & (c) above prior to preliminary approval.

(5) Access.

(a) Lots or parcels shall have verifiable access by way of a road, either County, local access - public or an easement. Verifiable access shall meet the following criteria:

(i) Each lot or parcel abuts on the road for a distance of at least 30 feet.

(ii) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by: 1) an express grant or reservation of an easement in a document recorded with the County Recorder, 2) a decree or judgment issued by a court of competent jurisdiction, 3) an order of the Board establishing a statutory way of necessity or gateway road, or 4) an express easement set forth in an approved and recorded subdivision or partition.

(iii) The road provides actual physical access to the lots or parcels.

(b) County Roads, Local Access-Public Roads, and Private Access Easements used as access to lots or parcels shall be designed and developed according to the requirements of LC Chapter 15.

(c) For the portion of a panhandle tract used as access to the main portion of the tract, the County may require such road improvements and design as are necessary to provide safe and adequate access to the main portion of the tract.

(6) Control Strip. The County may require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons.

(a) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

(b) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.

(c) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer. The proportional road construction costs must be computed by a licensed engineer and approved by the Department of Public Works. The agreement must be recorded and will not be valid after a period of 10 years.

(d) To prevent access to land unsuitable for development.

(e) To prevent or limit access to roads classified as arterials and collectors.

(7) Utility and Watercourse Easements.

(a) Utility Easements. The dedication of easements for the placement of overhead or underground utilities, including, but not limited to, electric power, communication facilities, sewer lines, water lines and gas lines shall be required where necessary. Such easements shall be clearly labeled for their intended purpose on all plats and may be located along or centered on parcel or lot lines or elsewhere as determined necessary by the County to provide needed facilities for the present or future development of the area.

(b) Watercourses. When a partition or subdivision is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a storm water or drainage easement conforming substantially with the lines of the watercourse, and of such design and development as may be deemed necessary to accommodate reasonable anticipated future development within the drainage area.

(8) Pedestrian and Bicycle Ways. When necessary for public convenience, safety, or as may be designated on an adopted master bike plan, the County may require that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of LC Chapter 15, Roads. Pedestrian and bicycle ways shall be not less than six feet in width and be paved with asphaltic concrete or portland cement concrete.

(9) Dangerous Areas. Any area determined by the Director to be dangerous for road or building development by reasons of geological conditions, unstable subsurface conditions, groundwater or seepage conditions, floodplain, inundation or erosion or any other dangerous condition shall not be divided or used for development except under special consideration and restriction. Special consideration and restriction shall consist of a detailed report by a professional engineer stating the nature and extent of the hazard and recommending means of protecting life and property from the potential hazard and/or the County shall impose limitations designed to minimize the known danger on development commensurate with the degree of hazard. Areas of erosion or potential erosion shall be protected from loss of soil and vegetative cover by appropriate means which are compatible with the environmental character, such as restricting grading or building or constructing erosion control devices. Areas of flood plain, water areas and wetlands shall be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow and natural functions. Structures will be required to maintain a flood elevation consistent with LC 11.500 (Flood Hazard Area) and LC 16.244. Areas of unstable surface or subsurface conditions shall be protected from movement by appropriate means which are compatible with environmental character, such as restricting grading or building or constructing suitable structures. Areas which are located within a designated floodway, unless a permit pursuant to LC 11.525 and LC 16.244 has been granted, shall be restricted from any building development or the installation of any permanent structure. The County may require that special development recommendations and/or restrictions as to location of building or other development be made a matter of public record when it is deemed necessary to

ensure proper disposition of the dangerous area. If the restrictions are considered permanent, they shall be shown on the plat, and if temporary in nature, shall be recorded by separate document by the partitioner or subdivider prior to the recording of the plat.

(10) Grading, Excavation and Clearing. Grading and clearing of any portion of a division by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval 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. Grading, clearing and excavation shall comply with the applicable property development standards and site development requirements of LC Chapters 10 and 16.

(11) Land for Public Purpose. When a public agency has demonstrated through a capital improvement program that it has definite plans to acquire a specified portion of a proposed division for a needed public use, and there is reasonable assurance demonstrating that steps will be taken within 90 days of preliminary approval to acquire the land, then the County may require that those portions of the division be reserved for public acquisition for a period not exceeding 90 days from the date of preliminary approval.

(12) Sewerage Facilities. Lots and parcels for which the applicable zoning districts permit residences or for which residences are contemplated, shall be served by either an approved public or community sewerage facility or be suitable for an approved individual sewage disposal facility. Methods of sewage disposal shall be in accordance with and subject to the applicable provisions of ORS; appropriate rules, regulations and policies promulgated under authority of ORS, and all appropriate County ordinances and policies. The establishment of rural sewerage facilities must be consistent with RCP Goal 2 Policy #24 and RCP Goal 11 policies.

(a) Public or Community Sewerage Facilities.

(i) When lots or parcels are located within a reasonable distance of an existing satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be sewered by said system, the lots or parcels shall connect to the system. Should the existing facilities be unable to service the lots or parcels, individual sewage disposal systems may be considered as an interim measure if soil and other conditions are suitable for their use. If conditions pertaining to the ability of the public or community sewerage facility allow connection at a later date, connection will be required under the following circumstances: a public health hazard exists as defined by OAR Chapter 340-71-130(3), if the reason for not connecting to the public or community system were because of insufficient capacity of the public or community sewerage facility and these conditions cease to exist or if the reason for not connecting to the public or community system is based on engineering considerations such as pumping requirements and gravity sewers become available.

(ii) When a new public or community sewerage system is proposed for the division, there shall be submitted for approval a master plan for the sewage collection and disposal system to Lane County and the State Department of Environmental Quality. The master plan shall include at least the following: a conceptual plan for sewage collection, treatment and disposal facilities, including preliminary design of sewer lines, treatment units and final disposal, a conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS, Chapters 450 or 451 or a preliminary economic feasibility report.

(iii) If the lots or parcels are located within an area with an adopted detailed master sewage plan showing the location and depth of community sewers and proposed construction schedule which will eventually serve the lots or parcels, then the applicant shall provide detailed plans, schedule, a cost estimate prepared by a registered professional engineer and a bond to cover these estimated costs. The subject Plan and cost estimate shall have been approved by the Oregon Department of Environmental Quality and Lane County. Individual sewage facilities will be allowed on an interim basis until the system is connected to the community system as approved by the above plan and schedule.

(b) Individual Sewage Facilities. When lots or parcels are to be served by individual sewage disposal systems, there shall be furnished reasonable proof that each proposed parcel or lot can accommodate an individual sewage disposal system and at least one acceptable replacement area which meets the criteria established by OAR Chapters 340-71-005 to -45. If the individual sewage disposal system and replacement area are to be located partially or wholly off of the lot or parcel for which the system and replacement area are designed to serve, then a variance must first be applied for and may be approved if in compliance with the variance section of this chapter.

(13) Water Supply. Lots and parcels shall be served by an approved public, community or individual water system. No construction or development work on proposed lots or parcels shall be started until information pertaining to water availability and quality is submitted to and approved by the Department. Water system shall be in accordance with and subject to applicable provisions of ORS, as well as all appropriate rules, regulations and policies promulgated under authority of these statutes, Lane Code and Manual. The establishment of rural water systems shall be consistent with RCP Goal 2 policy #24 and RCP Goal 11 policies.

(a) Public or Community Water System. The County may require that a new community or public water system be developed to serve lots or parcels when no existing public or community water system is available or suitable for use by the lots or parcels, and individual water systems are not feasible due to the density of the lots or parcels and/or the possibility of problems concerning the long-term availability of adequate quantities of suitable water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below shall be required.

(b) Individual Water Systems. When lots or parcels are to be served by individual water systems, sufficient evidence shall be submitted to show that each parcel or lot will have available at time of development an adequate supply of potable water which will meet minimum County standards for drinking water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below may be required.

(c) Aquifer and Quality Tests or Geological Evaluation. Aquifer and quality tests or geological evaluation may be required by Lane County for any lot or parcel. These requirements may include, but need not be limited to, evaluation of existing well logs and preparation of a geological report on the area, an evaluation of the site by a professional geologist or engineering geologist or full scale aquifer tests as required. In determining the detail of analysis required, the following apply:

(i) Areas designated by Board order as having problems in the quantity or quality of available water as adopted, documented in Lane Manual and filed in the office of the Department shall meet the following requirements for all parcels less than 20 acres in size. The applicant must affirmatively demonstrate, in a manner acceptable to Lane County, that the proposed subdivision/partition is capable of sustaining the development anticipated with sufficient potable water. This demonstration must include, but need not be limited to, aquifer tests. More specifically, the aquifer test shall show coefficient of transmissivity, permeability, storage and the specific yield. The

bacteriology/chemical tests shall show compliance with standards set by the Oregon State Health Division and Lane County. The test procedure shall utilize standard acceptable practices for aquifer tests using pumped and observation wells and records of static water level, date, clock, elapsed time (in min.), depth of water, drawdown and recovery. Analysis using the non-equilibrium method (or other methods where appropriate) must be 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)*

13.100 Application Requirements for Preliminary Partition Plans.

(1) An application for preliminary partition approval shall be filed with the Department pursuant to 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)*

13.105 Application Requirements for Preliminary Subdivision Plans.

(1) An application for preliminary subdivision approval shall be filed with the Department pursuant to 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 unsplit 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)

(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 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)*

Chapter 15

ROADS

15.005 General Purpose.

The general purpose of this Chapter is to consolidate and coordinate those rules, regulations and standards relating to the existing and future transportation and access needs of Lane County. It is intended to establish minimum requirements for efficient, safe and attractive vehicular and pedestrian movement throughout the County and usable ingress and egress to properties, to protect the public investment in the County Road system and the capacity of existing transportation facilities, to provide for private participation in the widening and improvement of roads when the same becomes necessary by reason of development of abutting property and to assist in guiding the future development or redevelopment of the County in accordance with the Comprehensive Plan for Lane County. For purposes of this chapter, the Comprehensive Plan shall mean the Lane County General Plan, including the following documents which provide the overall policy direction for roads within Lane County.

- (1) The Lane County Transportation System Plan (TSP);
- (2) The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan); and
- (3) The transportation system plans adopted by the incorporated communities within Lane County outside of the Eugene-Springfield metropolitan area. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

DEFINITIONS

15.010 Definitions.

For the purposes of this chapter, the following words and phrases shall mean:

- (1) AASHTO, American Association of State Highway and Transportation Officials. Publisher of "A Policy on Geometric Design of Highways and Streets," nationally accepted source for contemporary road design standards.
- (2) Access. Subject to adopted policies and standards, the means by which a lot, parcel, area or tract directly obtains safe, adequate and usable ingress and egress.
- (3) Access Management. The regulation of vehicular access to streets, roads and highways from public and private roads and driveways to reduce potential conflicts and promote safety as well as to preserve the capacity, speed, and traffic flow for which the road system was planned and designed. These measures may include, but are not limited to, policies and spacing standards for access to roadways, and use of physical controls such as channelization and raised medians.
- (4) Additional Setback. Reserve areas required where soil conditions or topographic features necessitate significant cut or fill requiring slope easements for a roadway. These areas are site specific and are not generally required for an entire roadway segment. Additional setbacks are determined by physical characteristics of the land rather than the width of the roadway.
- (5) American Association of State Highway and Transportation Officials. See AASHTO.
- (6) Approach (Road Approach, Driveway Approach). The area of intersection of an approaching road or driveway with a road.
- (7) Board. The Lane County Board of Commissioners.
- (8) Capacity.

(a) The maximum number of vehicles that can reasonably be expected to traverse a point or segment of road under prevailing conditions and during a specified period of time.

(b) The structural capacity of a roadway, or the ability of the pavement structure, bridges, or other cross-sectional elements to carry loads created by traffic or the dead-load of the elements themselves.

(9) Capital Improvement Program (CIP). A short range financial plan that programs construction project funding for the County Road Fund. Lane County maintains an annually updated CIP for transportation improvement projects.

(10) Channelization. The separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Channelization provides maximum convenience, and instills driver confidence. Examples include but are not limited to left turn refuges, right turn refuges, including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only selected turning movements. Channelization does not include continuous median turn lanes. Channelization may increase capacity.

(11) Congestion. A condition under which the number of vehicles using a roadway is great enough to cause reduced speeds and increased travel times.

(12) Connectivity. A term used to describe a network of streets and roads that intersect with the purpose of maximizing travel efficiency. Connectivity may also be used to describe the ease of transfer between different modes of travel, such as from rail to bus.

(13) Demand Management. Actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

(14) Department. The Lane County Department of Public Works.

(15) Director. The Director of the Lane County Department of Public Works or the Director's delegated representative.

(16) Egress. A means or place of leaving a property.

(17) Final Design. An engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement that has been approved by the Board. See also Preliminary Design.

(18) Functional Class. The classification of a road according to its expected level of service and function. The following functional class definitions apply to County Roads as defined under Roads in this section:

(a) Principal Arterial. A road which provides for through traffic between major centers of human activity in urban, suburban and rural areas.

(b) Minor Arterial. A road which provides for intracommunity traffic flow to principal arterials and within urban areas. In rural areas, minor arterials serve as a direct connection between communities and also bring traffic to principal arterials.

(c) Major Collector. A road or street which is used primarily to channel traffic from neighborhoods to arterials, and to commercial or industrial districts in urban areas. In rural areas, major collectors provide connections from outlying areas to the arterial system (primarily state highways).

(d) Minor Collector. A road or street which gathers traffic within the neighborhood and directs it to a major collector or arterial.

(e) Local Road or Street. A road intended solely for the purpose of providing access to adjacent properties. A local road may terminate in a cul-de-sac or be part of a larger network. For purposes of this chapter, roads functionally classified as

Local Roads are County-maintained roads and do not include Public Roads that have not been accepted by the Board as County Roads, or Local Access Roads.

(19) Improvement Agreement. An agreement that may, under prescribed circumstances, be used in lieu of required road improvements or a performance agreement, that is executed between the County and a developer in a form approved by the Board, and which runs with the land, in which the developer agrees to sign at some future time any and all petitions, consents and other documents necessary to improve the abutting road to required County standards and to waive all rights to remonstrance against such improvements in exchange for which the County agrees that the execution of the improvement agreement will be deemed to provide compliance with the improvement requirements of Lane Code.

(20) Ingress. A means or place of entering a property.

(21) Land Use Decision. As defined in LC 14.015.

(22) Land Use Regulation. As defined in LC 14.015.

(23) Legal Interest. As defined in LC 14.015.

(24) Level of Service. A transportation engineering concept used to evaluate existing and future traffic flow (congestion) and to describe the quality of the operating conditions of a roadway.

(25) Modernization. Road improvement projects to accommodate existing traffic and/or projected traffic growth consistent with adopted state, regional, County, or other local Transportation System Plans. County modernization projects are typically included in the General Construction project list of the County Capital Improvements Program. Modernization projects include, but are not limited to: reconstruction of roads; realignment of roads; addition of paved shoulders, curb and gutter, sidewalks, or other pedestrian and bicycle facilities; reconstruction of slopes, embankments, or ditches to provide improved safety and drainage; addition of travel lanes; widening of bridges; passing and climbing lanes; median turn lanes, acceleration and deceleration lanes, other channelization as defined in this section; new alignments; new safety rest areas; grade separations; intersection improvements; intermodal connectors; high-occupancy vehicle lanes; and off system improvements.

(26) New Road. Construction of a Public Road or road segment that is not a reconstruction, modification, or realignment of an existing road or road segment.

(27) Operation, maintenance, and/or repair. Routine activities necessary to operate and maintain the road system. These activities include, but are not limited to, signing, pavement marking, traffic signals, pavement surface maintenance and repair; pothole patching, culvert pipe and ditch grading, maintenance, or repair; dust control; vegetation control; and litter and animal carcass cleanup. These activities and minor transportation system improvements associated with them are not listed as projects in the Transportation System Plan or Capital Improvement Program. These activities provide for increased efficiency and safer traffic operations and reliability. Activities may include some aspects of preservation as defined in this section. Pavement surface maintenance does not include additional pavement structure needed as a result of a change in or intensification of a use of a property.

(28) Performance Agreement. A written agreement executed by an applicant or developer or his or her agent in a form approved by the Board and accompanied by an approved security in sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time. LM 15.850 through LM 15.865 provides County performance agreement requirements.

(29) Preliminary Design. An engineering design which specifies in detail the proposed location and alignment of a planned transportation facility or improvement. Preliminary design is normally specified as part of the Capital Improvement Program

public involvement process when a project is being readied to be sent out to bid for construction. See also Final Design.

(30) Preservation. Activities that rebuild or extend the service life of existing transportation facilities. Road preservation projects add useful life to the road. Preservation includes but is not limited to reconstruction, pavement rehabilitation, pavement resurfacing, and minor safety and bridge improvements.

(31) Realignment. Constructing or rebuilding an existing roadway on a new alignment where the new centerline shifts outside of the existing right-of-way, and where the existing road surface is either removed, maintained as an access road, or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment may include channelization, and may increase capacity, but shall maintain the function of the existing road segment being realigned unless specified otherwise in adopted state, regional, County, or other local Transportation System Plans.

(32) Reconstruction or modification. Rebuilding an existing road in the same general location, either within the existing right-of-way or by acquiring new right-of-way. May or may not include realignment and/or the addition of turn lanes or other channelization. Reconstruction or modification may increase capacity.

(33) Rehabilitation. Road resurfacing, sealing, paving, and restoration, over and above routine maintenance, to repair deteriorating road surfaces and to address safety concerns.

(34) Right-of-Way (ROW, R/W).

(a) Includes the land or any interest in land acquired for public rights of passage, construction of facilities, motorists, cyclists, pedestrians, and utilities.

(b) The customary or legal right of a person or vehicle to pass before another.

(35) Road. The terms road, street or highway shall be considered synonymous and shall include the entire area and all lawful improvements between the right-of-way lines of any public or private way that is created to provide ingress or egress to land. "Road" includes but is not limited to:

(a) Arterials, collectors, and local roads as in the functional classes defined above under Functional Class;

(b) Road related structures that are in the right-of-way such as drainage conveyance facilities;

(c) Other structures in the right-of-way that provide for continuity and stability of the right-of-way including tunnels, retaining walls, and bridges;

(d) Underground and/or overhead utilities and utility easements that are within the right-of-way;

(e) Roads are further defined as follows:

(i) County Road. As defined in ORS Chapter 368. A Public Road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. The Department is responsible for maintenance. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. See also Functional Class definitions.

(ii) Expressway. Two-lane and multi-lane highways that provide for safe and efficient high speed and high volume traffic movements. Their primary function is to provide for interurban travel and connections to ports and major recreation areas with minimum interruptions. A secondary function is to provide for long distance intra-urban travel in metropolitan areas. In urban areas, speeds are moderate to high. In rural areas, speeds are high. Usually there are no pedestrian facilities and bicycle facilities may be separated from the roadway. Private access is discouraged and Public Road connections are highly controlled.

(iii) Freeway. Arterial roadways with full control of access. Preference is given to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct private driveway connections. They are intended to provide for high levels of service in the movement of large volumes of traffic at high speeds.

(iv) Frontage Road. A road that is parallel and adjacent to an arterial or other limited access road or railroad right-of-way and which provides access to abutting properties. The primary purpose of a frontage road is to reduce direct access to an arterial or other limited access road or railway right-of-way.

(v) Local Access Road. A Public Road that is not a County road, state highway, or federal road. Pursuant to ORS 368, the County and its officers, employees and/or agents, is not liable for failure to improve Local Access Roads and is not liable to keep Local Access Roads in repair. The County shall spend County moneys on Local Access Roads only if it determines that the work is an emergency or if:

- (aa) the Director recommends the expenditure; and
- (bb) the public use of the road justifies the expenditure

proposed; and

(cc) the Board enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.

(vi) Private Access Easement, Private Road. A private, nonpossessory interest in the land of another which entitles the holder(s) of the interest to use the roadway for access and to pass across another's land. A private road is intended to provide for ingress and egress to land and may include that portion of a panhandle or flag lot or parcel that is used for access purposes or an access road in which the underlying fee belongs to two or more persons, association, corporation, firm, club, partnership or other similar entity having the right of administration and/or ownership thereof.

(vii) Public Road. A road over which the public has a right of use that is a matter of record. For purposes of this chapter, a Public Road is a road that has been dedicated for use by the public for road purposes either by good and sufficient deed presented to and accepted by the Board, or by a partition map and plat or a subdivision plat presented to and accepted by the Board. Once accepted and placed on record, Public Roads are held in trust for the public by the County, and shall specifically exclude private roads, private ways, Private Access Easements or agreements, Forest Service Roads, Bureau of Land Management Roads, any Gateway or Way of Necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character" by prescriptive or adverse use. A Public Road is not normally maintained by the County unless it has been accepted by the Board as a County Road as defined in this section, but the County may regulate its use. (Common terms for this type of road are "Dedicated Public Road" and "Local Access Road.")

(viii) Rural Road. A road or portion of a road that is not within an urban growth boundary.

(ix) Stubbed Road. A road having only one outlet, and which is intended to be extended or continued to serve future development on adjacent lands. A stubbed road that is part of the County Road system is functionally classified as a Local Road. This can include a cul-de-sac or hammerhead turnaround area intended to be extended in the future.

(x) Turnaround (Cul-de-sac or Hammerhead). The area located at the terminus of a road and developed to the standards for Turnarounds in LC Chapter 15, the purpose of which is to allow motor vehicles to safely and efficiently reverse direction.

(xi) Urban Road. A road or portion of a road that is within an urban growth boundary.

(36) Transportation Facility. A physical system, including any portion thereof, that moves or assists in the transport of people, animals, or goods, including roads, bicycle, pedestrian, and equestrian paths, rail lines, airport facilities, port facilities, and pipelines, and excluding electricity, water and sewerage systems.

(37) Travel Surface. Synonymous with Travel Way.

(38) Travel Way, Traveled Way. When applied to a road, the road surface used for vehicular travel, including bicycle lanes. Synonymous with travel surface.

(39) Urban Growth Boundary. The boundary described in respective adopted City Comprehensive Plans to which urban services may be extended.

(40) Visual Clear Zone. A triangular area of a driveway or road intersection corner that is 15 feet in length along the driveway and along intersecting roads. No visual obstructions such as plantings, walls, fences, signs, or other structures or vegetation, either temporary or permanent in nature, between two and one-half and 15 feet in height above the road surface are permitted in this area. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 11-75, 9.5.75; 10-76, 1.1.77; 10-80, 7.11.80; 1-91, 6.14.91)*

FUNCTIONAL CLASSIFICATIONS AND RIGHT-OF-WAY WIDTH

15.020 County Road Functional Classifications.

In the development of an area, it is generally considered infeasible and undesirable to design all streets to safely and effectively handle both local and non-local trips. Therefore, a range of street classifications are assigned to streets making up a circulation network that will adequately handle anticipated traffic demands without unduly disturbing local residential neighborhoods. Collector and arterial streets are designed to carry through traffic (non-local trips) and generally require wider rights-of-way and higher design standards in order to serve their intended function. Local roads primarily provide access to abutting property.

(1) County Roads as defined in LC 15.010(35) shall be classified as in Table 1, according to the functional class definitions specified in LC 15.010(18).

Table 1: Functional Classifications for County Roads

<u>Functional Class</u>
Local
Minor Collector
Major Collector
Minor Collector
Principal Arterial

(2) For purposes of LC 15.137(2)(c) and other applicable sections of this chapter, County Road functional classifications shall be ranked as higher or lower according to the volume and quality of traffic flow they are anticipated to handle, as specified below:

- (a) Arterial shall be the highest functional classification;
- (b) Collector shall be the next highest functional classification;
- (c) Local shall be the lowest classification.
- (d) Local Access Roads and Public Roads as defined in LC 15.010(35)

shall be ranked as equivalent to Local for the rankings specified in LC 15.020(2)(a) through (c) above.

(3) The County Roads Inventory text and Functional Class Maps in the adopted Lane County Transportation System Plan provides the official inventory of County Roads and their functional classifications. If a discrepancy exists between the Inventory text and a map, the Inventory text shall be used to determine a road's functional classification. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80; 1-91, 6.14.91)*

15.030 Urban and Rural Roads.

(1) Roads that are located within an urban growth boundary shall be designated as Urban Roads.

(2) Roads that are located outside of an urban growth boundary shall be designated as Rural Roads.

(3) A change in the location of an urban growth boundary shall result in a corresponding change in the urban or rural designation of a road. *(Revised by Ordinance No. 4-80; 7.11.80)*

15.035 Additions and Changes to County Road Functional Classifications.

(1) Application. An application for additions or changes to County Road functional classifications shall be submitted to the Planning Division upon a form and accompanied by such data as may be described for that purpose by the Division. An application may be submitted by the owners of the property abutting an existing or proposed road, the Board of County Commissioners, the Planning Commission, the Planning Division, or the Department of Public Works.

(2) Investigation and Reports. The Planning Director shall make or cause to be made an investigation to provide necessary information to determine if the proposed addition or change to County Road functional classifications is consistent with the purposes of this chapter. As a part of the investigation, the Planning Director shall receive from the Director all pertinent information and recommendations relating to said application. In addition, if determined appropriate by the County Engineer or designee, a recommendation on the matter from the Roads Advisory Committee shall be included in the information submitted to the Planning Director. A report of such investigation shall be submitted to the Planning Commission for its consideration prior to or at a public hearing on the application.

(3) Planning Commission Public Hearing and Notice.

(a) The Planning Commission shall hold not less than one public hearing on the proposed addition or change.

(b) Notice of the time and place of the hearing shall be given at least 10 days prior to the date of the public hearing. The notice shall be published in a newspaper of general circulation in the County, or in a newspaper published in part of the County in which the proposed road is located. Notice of the hearing shall also be accomplished by causing at least three public notices to be posted at least 10 days prior thereto along the alignment of the existing or proposed road, not more than 500 feet apart, or by mailing notices to the owners of all property abutting the existing or proposed road alignment not less than 10 days prior thereto, using for this purpose the last known name and address of such owners as shown upon the records of the County Assessor.

(c) The Planning Commission at its public hearing shall review the proposed addition or change and shall receive pertinent evidence and testimony. Upon completion of the hearing, the Planning Commission shall submit its report and recommendation to the Board.

(d) At the hearing, the Planning Commission shall consider whether the proposed addition or change is consistent with the criteria in LC 15.035(4) below.

(4) Criteria. An addition or change to a County Road functional classification may be approved if:

(a) The addition or change will result in the County Road being used consistent with the functional classification definitions found in LC 15.010(18).

(b) The addition or change will not result in an inconsistency with the adopted General Plan Policies, including the policies of the Transportation System Plan. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80)*

15.040 Action by Board.

(1) Within 30 days of a Planning Commission recommendation, the Board shall schedule a public hearing. Such hearing and action by the Board shall be in accordance with the provisions of this subsection for Planning Commission hearings and the Lane County Charter.

(2) Prior to the hearing, the Planning Director shall forward to the Board a copy of the record for the proposed addition or change, including all pertinent data filed with the Commission and the minutes of the Planning Commission's public hearing. If a recommendation on the matter was made by the Roads Advisory Committee, the minutes of the Committee's discussion and recommendation shall be included in the materials forwarded to the Board.

(3) At the hearing, the Board shall determine whether the proposed addition or change is consistent with the criteria in LC 15.035(4) above.

(4) The Board shall not be required to follow the recommendation of the Planning Commission or Roads Advisory Committee. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80)*

MINIMUM ROAD REQUIREMENTS

15.045 Minimum Requirements for Public Roads and Local Access Roads.

The following minimum requirements shall apply to Public Roads and Local Access Roads as defined in LC 15.010(35) when new development is proposed to ensure that such roads will reasonably conform with the stated purpose of this chapter. Public Roads as defined in ORS 368.001(5) that have been dedicated to the County but never accepted by the Board shall also meet the requirements in this section.

(1) A Public Road or Local Access Road that is part of or serves a land division shall comply with the following:

(a) the land division requirements in LC 13.050; and

(b) road dedication and improvement requirements in LC 15.105; and

(c) the provisions in LC 15.045(3) through (7) below.

(2) When a Public Road or Local Access Road is used to provide access to a vacant lot or parcel where development other than a land division is proposed, prior to land use and zoning authorization for the proposed development the following shall apply:

(a) The applicant for the proposed development shall provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Public Road or Local Access Road meets minimum Fire District requirements to provide emergency services to the property.

(b) If the applicant is unable to obtain the written certification specified in LC 15.045(2)(a), the property owner shall record a Covenant and Hold Harmless Declaration to run with the land and in a form acceptable to Lane County that includes the following information and provisions:

(i) a legal description of the lot or parcel where development is proposed;

(ii) the name(s) of the owner(s) of the property;

(iii) a declaration and agreement that the property owner(s), successors, and assigns hold Lane County, its agents and employees harmless from any and all claims, losses, liability or damages that the owner(s) may incur as a result of failure to improve the Public Road or Local Access Road to the minimum Fire District requirements for providing emergency services to the property;

(iv) reasons why the fire district certification cannot be obtained. An applicant's refusal to obtain the certification shall not in itself be an allowable reason;

(v) a statement that the property owner was advised and understands that the road may be inadequate for emergency vehicles;

(vi) a statement that the property owner declares and agrees that he and/or she has read the Covenant and Hold Harmless Declaration and has signed it of his or her own free will.

(c) The requirements specified above in LC 15.045(2)(a) through (b) shall apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone shall be governed by the siting and development standards of the applicable zoning district.

(d) Public Roads and Local Access Roads that have previously been fully inspected and approved by Lane County as part of a land division final plat approval, for plats that were recorded after January 1, 1990, shall not be subject to fire district certification requirements of LC 15.045(2)(a) through (b).

(3) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuations of the centerline thereof.

(4) When necessary to retain access to or permit a satisfactory future division of adjoining lands, roads shall be extended to the boundary of a land division. A temporary turnaround meeting the requirements of LC 15.708 may be required for the resulting dead-end road.

(5) In order to effect separation of through and local traffic, Frontage Roads as defined in LC 15.010(35) or reverse frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road. In addition, screening or other treatments may be required along arterial and collectors in order to provide adequate noise and visual protection of adjacent properties.

(6) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill.

(7) The County may require that at the entrance to a Public Road or Local Access Road a sign be posted at private expense stating the name of the road and indicating the road is not a County-maintained road. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 4-80, 7.11.80)*

15.055 Minimum Requirements for Private Access Easements.

The following minimum requirements shall apply to Private Access Easements as defined in LC 15.010(35) when new development is proposed to ensure that such roads will reasonably conform with the stated purpose of this chapter.

(1) A Private Access Easement that is part of or serves a land division shall comply with the following:

(a) the land division requirements in LC 13.050; and

(b) road dedication and improvement requirements in LC 15.105; and

(c) the provisions in LC 15.055(3) through (8) below.

(2) When a Private Access Easement is used to provide access to a vacant lot or parcel where development is proposed, prior to land use and zoning authorization for the proposed development the following shall apply:

(a) The applicant for the proposed development shall provide written certification from the applicable Fire District, on a form prepared by Lane County, that the Private Access Easement meets minimum Fire District requirements to provide emergency services to the property.

(b) If the applicant is unable to obtain the written certification specified in LC 15.055(2)(a), the property owner shall record a Covenant and Hold Harmless Declaration to run with the land and in a form acceptable to Lane County that includes the following information and provisions:

(i) a legal description of the lot or parcel where development is proposed;

(ii) the name(s) of the owner(s) of the property;

(iii) a declaration and agreement that the property owner(s), successors, and assigns hold Lane County, its agents and employees harmless from any and all claims, losses, liability or damages that the owner(s) may incur as a result of failure to improve the Private Access Easement to the minimum Fire District requirements for providing emergency services to the property;

(iv) reasons why the fire district certification cannot be obtained. An applicant's refusal to obtain the certification shall not in itself be an allowable reason;

(v) a statement that the property owner was advised and understands that the road may be inadequate for emergency vehicles;

(vi) a statement that the property owner declares and agrees that he and/or she has read the Covenant and Hold Harmless Declaration and has signed it of his or her own free will.

(c) The requirements specified above in LC 15.055(2)(a) through (b) shall apply only to lands outside of a County-designated Forest zone. Lands within a Forest zone shall be governed by the siting and development standards of the applicable zoning district.

(d) Private Access Easements that have previously been fully inspected and approved by Lane County as part of a land division final plat approval, for plats that were recorded after January 1, 1990 shall not be subject to fire district certification requirements of LC 15.055(2)(a) through (b).

(3) The County may determine that the access and transportation needs of the public would be better served if the private access easement being considered is established as a Public Road or County Road as defined in LC 15.010(35), and may require dedications and improvements pursuant to the requirements of LC 15.105.

(4) The minimum width for private access easement shall be of a width determined by the County suitable for the intended use, but in no case less than 30 feet. Notwithstanding this requirement, a pre-existing easement of at least 20 feet in width and serving a lot or parcel created in its present configuration prior to April 28, 2004 is allowable provided it complies with other requirements of this chapter.

(5) All approved documents creating a private access easement shall provide for the installation, construction and maintenance thereof of all utilities and facilities which are now or may in the future be needed for the area abutting the road and the surrounding area.

(6) Development on a lot or parcel taking access over a railroad or limited access road right-of-way may require documentation that permanent or long term access over the railroad or limited access road meeting the requirements of this section has been granted.

(7) Any easement approved as a private access easement shall be an affirmative, perpetual easement appurtenant to the property that will be served by the easement, and contain at a minimum the names of grantor and grantee, the description of the land covered by the easement, a description of the lot(s) or parcel(s) to be served by the easement, a description of the intent or purpose of the easement and a statement of maintenance responsibility. All approved easements shall be recorded.

(8) The County may require that at the entrance to a Private Access Easement road a sign be posted at private expense stating the name of the private road and the words "Private Road, Not Dedicated for Public Use or Maintained by Lane County." *(Revised by Ordinance No. 6-75, Effective 3.26.75; 9-76, 8.27.76; 10-80 7.11.80; 1-91, 6.14.91)*

BUILDING SETBACK REQUIREMENTS

15.065 Purpose.

It is the purpose of this section to establish appropriate guiding setback lines to protect the vested interest of the public in the existing and proposed capacity of roads, including pedestrian ways, bikeways and public transit lanes; to promote public safety and welfare by providing for adequate vision clearance, fire protection and light and air; and to prevent or reduce deterioration of property values and promote conditions for desirable residential, commercial, industrial, institutional or public land uses. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

15.070 Building Setback Requirements for Local Access Roads, Public Roads, County Roads, and State Roads or Highways.

(1) A lot or parcel of land adjoining a road designated as a Local Access Road, Public Road, County Road or State Road or Highway shall have a building setback line which conforms to the following minimum requirements:

(a) Within all areas subject to the provisions of LC Chapter 16, the setback distance shall be as specified in the applicable zoning district, unless a special building setback line has been established pursuant to LC 15.070(2) below or unless an additional building setback is specified in LC 15.083 below.

(b) Within all areas subject to the provisions of LC Chapter 10, "Zoning," the setback line shall be as designated by the applicable Zoning District and the Building Setback Line Chart in LC 15.095, unless a special building setback has been established pursuant to the requirements of LC 15.070(2) below, or unless an additional setback line has been established pursuant to the requirements of LC 15.083 below.

(c) Setbacks shall be measured at right angles to the centerline of a straight road or as radials on a curved road to the nearest point of the front wall of the building. Setbacks shall be taken from the minimum right-of-way width specified as follows:

(i) For County Roads as defined in LC 15.010(35), the minimum right-of-way width for development setback purposes shall be based upon the functional class of the road, as follows:

- (aa) Urban Principal Arterial - 100 feet;
- (bb) Urban Minor Arterial - 80 feet;
- (cc) Urban Major Collector - 70 feet;
- (dd) Urban Minor Collector - 60 feet;
- (ee) Rural Arterial or Collector - 80 feet;
- (ff) Urban Local - 60 feet, except that the right-of-way width

may be reduced to a minimum of 45 feet for development setback purposes upon written approval of the County Engineer or designee;

(gg) Rural Local Roads - 50 feet.

(ii) For Public Roads and Local Access Roads as defined in LC 15.010(35), the minimum right-of-way width for development setback purposes shall be 50 feet.

(iii) For State Roads or Highways, the minimum right-of-way width for setback purposes is as specified in LC 15.075.

(d) When a road has an existing right-of-way width greater than the minimum right-of-way specified in LC 15.070(1)(c), the building setback line shall be measured from said existing right-of-way line rather than the minimum right of-way line.

(e) Setback lines for those areas requiring an additional setback pursuant to LC 15.083 below shall be measured as specified above in LC 15.070(1)(a) through (d) above, plus the distance specified in LC 15.083.

(f) Cornices, canopies, eaves and similar architectural features may be extended beyond the front wall a distance not exceeding two and one-half feet.

(g) Uncovered porches, platforms, landing places, stairways and fire escapes may extend beyond the front wall a distance not exceeding three and one-half feet, provided that such porch, platform or landing place shall have its floor no higher than the entrance or first floor of the building. A railing no higher than three feet may be placed around each landing place.

(h) Signs conforming to all other applicable standards and requirements may project beyond the setback line.

(i) Fences, walls or hedges, and guard railings, or other similar landscaping or architectural devices, may be established within the setback area provided that they do not exceed three and one-half feet in height and further provided they comply with Visual Clear Zone requirements specified in LC 15.095(3).

(j) Wire fencing such as that used for livestock, excluding "cyclone" or chain-link fencing, of up to 6 feet in height and which complies with Visual Clear Zone requirements specified in LC 15.095(3) may be established within the setback area.

(k) In no case shall any cornices, canopies, eaves and similar architectural features or porches, platforms, landing places, stairways, fire escapes, fences, walls or guard railings and signs extend into the right-of-way.

(2) Special building setback lines may be established that are greater or lesser than would otherwise be required by the provisions of this chapter as follows:

(a) A special building setback line may be established when it is incidental to a subdivision, partitioning, or other land use decision as defined in LC Chapter 14 and it is found to be necessary for proper development of the area or to achieve the purpose set forth in the Comprehensive Plan for Lane County. Any action to establish a special building setback line as part of a land use decision processed pursuant to the requirements of LC 14.050 shall be considered to constitute the required public notice and opportunity to appeal requirements of LC Chapter 14.

(b) Special setback lines may be established when it is determined that a special setback line is necessary along a road in order to either implement the Comprehensive Plan for Lane County, provide for special scenic or distinctive conditions, facilitate adequate right-of-way improvements or to promote the public interest and general welfare. Establishment of a special setback line, which is not incidental to a partitioning or subdivision application of LC Chapter 13, or to another land use decision as defined in LC Chapter 14, shall be subject to the General Variance Provisions for this chapter. *(Revised by Ordinance No. 6-75, Effective 3.26.75;10-80, 7.11.80)*

15.075 State Road and Highway Setbacks.

The following minimum right-of-way widths shall be used in calculating the setback distance for new development subject to the provisions of LC Chapter 10 and LC Chapter 16:

<u>Road Name</u>	<u>Section Length (miles)</u>	<u>Setback R/W Width (feet)</u>
Cloverdale Rd.		
Hendrick's Rd. to Hwy. 99	3.51	80
Franklin Blvd./McVay Hwy.		
Hwy. 126 to 30th Ave.	2.19	80
Highway 36		
Hwy. 99 to Territorial	5.52	80
Territorial to Hwy. 126W	45.97	70
Highway 58		
I-5 to Jasper-Lowell Rd.	5.73	120
Jasper-Lowell Rd. to County line	56.34	100
Highway 99 East		
Hwy. 99W to County line	3.37	100
Highway 99 North		
Jessen Dr. to Junction City limits	8.67	120
Highway 99 South		
I-5 at Goshen to County line	20.51	80
Highway 99 West		
Junction City limits to County line	4.46	90
Highway 101	30.97	
Lincoln County line to Sutton Crk. Rd.		80
Sutton Crk. Rd. to Canary Rd.		100
Canary Rd. to Douglas County line		80
Highway 126 W (Route F)		
Beltline Rd. to Florence City limits	54.20	100
Highway 242		
Hwy. 126E at Belknap Springs		
To east County line	21.66	60
McKenzie Hwy. (Hwy 126 East)		
Hwy 99 to County line	76.14	100
Springfield-Creswell Hwy.		
City limits at 42nd St. to Hwy. 58	8.00	80
Territorial Rd./Hwy.		
County line to county line	42.08	80
Westfir Spur		
Hwy. 58 to Westfir-Oakridge Rd.	1.00	60
42nd St. South		
McKenzie Hwy. to Jasper Rd.	[See Springfield-Creswell Hwy.]	

15.080 Building Setback Requirements From Interior Property Lines.

A lot or parcel of land shall have a building setback line from interior property lines which conforms to the following minimum requirements:

(1) Within all areas subject to the provisions of LC Chapter 16, "Lane County Land Use and Development Code," the interior setback line shall be as designated by the applicable Zoning District.

(2) Within all areas subject to the provisions of LC Chapter 10, "Zoning," the interior setback line shall be as designated by Zoning District and the Building Setback Line Chart, LC 15.095.

(3) Where a utility easement is recorded adjacent to an interior property line, the building setback line shall in no place be closer to the property line than the width of the easement regardless of the building setback line established by this section.

(4) Cornices, canopies, eaves and similar architectural features may be extended beyond the interior building setback line a distance not exceeding two feet.

(5) Fences, walls or hedges not exceeding six feet in height may be located or maintained within the required interior building setback area, except where Visual Clear Zone requirements specified in LC 15.095(3) apply, or where a greater or lesser height may be required in connection with an action on a Conditional Use Permit, Temporary Permit, Site Review Permit or Planned Unit Development application. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80)*

15.083 Additional Setback Requirements.

(1) Additional Setbacks as defined in LC 15.010(4) shall be measured as specified in LC 15.070(1)(e) above and shall be required as specified below for the following County Roads:

Applegate Trail (Hwy. 36 to Territorial Hwy.)	+10'
Bailey Hill Rd. (City limits to Green Hill Rd.)	+20'
Bernhardt Creek Rd.(Sweet Creek Rd. to End County maint.)	+20'
Big Fall Creek Rd.(Jasper-Lowell Rd. to End County maint.)	+20'
Blue River Dr. (McKenzie Hwy. to McKenzie Hwy.)	+10'
Bolton Hill Rd. (Territorial Hwy. to Crow-Vaughn Rd.)	+10'
Brice Creek Rd. (Row River Rd. to Champion Creek Rd.)	+10'
Briggs Hill Rd. (Territorial Hwy. to Spencer Creek Rd.)	+20'
Camas Swale Rd. (Mile post 2.2 to Hamm Rd.)	+20'
Camp Creek Rd. (Marcola Rd. to McKenzie Hwy.)	+20'
Canary Rd. (Mile post 1.33 to Canary Rd. South)	+20'
Canary Rd. South (Canary Rd. to Siltcoos Station Rd.)	+10'
Clear Lake Rd. (Canary Rd. to Hwy. 101)	+10'
Cottage Grove-Lorane Rd. (City limits to Old Lorane Rd.)	+10'
Cottage Grove Reservoir Rd. (London Rd. to London Rd.)	+10'
Crest Dr. (Lorane Hwy. to Blanton Rd.)	+10'
Crow Rd. (Green Hill Rd. to Territorial Rd.)	+20'
Crow-Vaughn Rd. (Route F to Bolton Hill Rd.)	+20'
Crow-Vaughn Rd. (Bolton Hill Rd. to Territorial Hwy.)	+10'
Deadwood Creek Rd. (Hwy. 36 to Brooks Rd.)	+20'
Deerhorn Rd. (McKenzie Hwy. to Bridge St.)	+20'
Dillard Rd. (Urban Growth Boundary to Hwy. 99)	+20'
Fox Hollow Rd. (Urban Growth Boundary to So. Willamette St.)	+20'
Garoutte Rd. (Mosby Creek Rd. to Shoreview Dr.)	+10'
Gimple Hill Rd. (Bailey Hill Rd. to Pine Grove Rd.)	+20'
Goodpasture Rd. (McKenzie Hwy. to End County maint.)	+10'
Hamm Rd. (Territorial Hwy. to Camas Swale Rd.)	+20'
Heceta Beach Rd. (Hwy. 101 to Rhododendron Dr.)	+10'
High Prairie Rd. (East 1st St. to End County maint.)	+10'
High Prairie West (Westfir-Oakridge Rd. to High Prairie Rd.)	+10'
Hill Rd. (Old Mohawk Rd. to Marcola Rd.)	+10'
Jasper-Lowell Rd. (Jasper Rd. to Pengra Rd.)	+10'

Jasper-Lowell Rd. (Unity to Hwy. 58)	+10'
Knight Rd. (Route F to West Scheffler Rd.)	+10'
Little Fall Creek Rd. (Jasper-Lowell Rd. to End County maint.)	+10'
Marcola Rd. (Camp Creek Rd. to County line)	+10'
McKenzie View Dr. (Coburg Rd. to Hill Rd.)	+20'
Munsel Lake Rd. (Hwy. 101 to North Fork Siuslaw Rd.)	+10'
Petzold Rd. (Central Rd. to Crow Rd.)	+10'
Pine Grove Rd. (Crow Rd. to Spencer Creek Rd.)	+10'
Row River Rd. (Shoreview Dr. to Shoreview Dr.)	+20'
Row River Rd. (Sharps Creek Rd. to Brice Creek Rd.)	+10'
Shoreview Rd. (Row River Rd. to Row River Rd.)	+20'
Siltcoos Station Rd. (Canary Rd. South to County line)	+20'
South Jetty Rd. (Hwy. 101 to End County maint.)	+10'
Suttle Lake Rd. (Hwy. 101 to Hwy. 101)	+10'
Sweet Lane (Hwy. 99 to End County maint.)	+10'
Thompson Creek Rd. (Hwy. 36 to Indian Creek Rd.)	+20'
Wendling Rd. (Marcola Rd. to End County maint.)	+10'

(2) An application for a waiver to the additional setback requirements listed in LC 15.083(1) may be requested from the Director. The Director may grant a waiver on road sections where existing soil conditions and topographic features will allow future road development within the applicable minimum right-of-way width specified in LC 15.702 through LC 15.706 for the road. If the request for a waiver is denied, an application for a Variance to setback requirements may be requested in accordance with LC 15.085 below and the General Variance Provisions in LC 15.900. *(Revised by Ordinance No. 10-80, Effective 7.11.80)*

15.085 Variance to Setback Requirements.

(1) An application for any Variance to the requirements of this section may be requested in accordance with the General Variance Provisions in LC 15.900.

(2) When an application for a Variance relating to land within the right-of-way setback or additional setback of a Public Road, Local Access Road, or County Road as defined in LC 15.010(35) is, upon appeal, denied by the Planning Director or Hearings Official, the applicant may appeal the decision pursuant to the requirements of LC Chapter 14, and as part of the appeal process, request to the Board that the County purchase the land. If, in the opinion of the Board, the applicant is prevented from utilizing the land in a manner that is reasonable in light of the total ownership, the Board shall, upon written request, purchase or condemn the land. Upon the failure of the County to purchase the property or initiate condemnation proceedings within six months of such request, the subject land shall be considered free of the requirements of this section affecting land within the planned right-of-way. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80)*

15.090 Right to Require Removal of Structures.

If an owner of any land, without authority of a Variance allowed by this chapter builds, makes, moves or enlarges a structure or other improvement on land restricted against improvement by a setback requirement:

(1) Neither he or she nor any of his or her successors in interest may recover damages for public taking or removal of the structure improvement as thus built, made, moved or enlarged; and

(2) Upon appropriation of the land for public purpose for which this chapter makes reservations, the Board may require whoever owns the land at the time of the

appropriation, or his or her successors in interest to the land, to remove or pay the cost of removing from the land and from abutting land restricted by setback requirements the structures or improvements thus built, made, moved or enlarged. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80)*

15.095 Building Setback Line Chart.

(1) In addition to the Building Setback requirements in LC 15.065 through 15.090 above, the following setback requirements apply to lands governed by LC Chapter 10, Zoning.

<u>District</u>	<u>Minimum Setback (Feet)</u>		
	<u>From Road ROW Specified in LC 15.070 (Feet)</u>	<u>From Interior Property Line (Side)</u>	<u>(Rear)</u>
Exclusive Farm Use (EFU)	20	15*	20*
Forest Management (FM)	20	--	--
Natural Resource (NR)	20	15*	20*
Farm Forestry 20 (F-F 20)	20	15*	20*
General Rural (GR 10)	20	15*	20*
Agriculture, Grazing and Timber (AGT)	20	15*	20*
Recreational Combining (/R)	As per the District with which the /R is combined		
Interim Agriculture			
Combining (/IA)	20	15*	20*
Public Reserve (PR)	25	10	10
Rural Residential (RR-5) (RR-2) (RR-1)	20	15*	20*
Suburban Residential (RA)	15	5	5
Single Family Residential (R-1)	15	5	5
Garden Apartment Residential (RG)	15	10	10
Residential Professional (RP)	15	10	10
Rural Commercial (CA)	20	10	10
Limited Commercial (C-1)	15	5	5
Neighborhood Commercial (C-2)	0	0	0
Commercial (C-3)	0	0	0
Tourist Commercial	20	10	10
Limited Industrial (M-1)	15	0	0
Light Industrial (M-2)	0	0	0
Heavy Industrial (M-3)	0	0	0
Mobile Home Parks	25	5	5
Airport Operations (AO)	20	5	5
Airport Vicinity (AV)	20	5	5
Sand, Gravel, Rock Products (SG)	Distances variable depending on operations and adjacent uses and zoning.		
Controlled Processing (CP)	see LC Chapter 10, "Zoning" for requirements.		
Planned Unit Development (/PUD)	Distances for Parent District shall serve as guide but may be varied-see LC Chapter 10 "Zoning" for requirements.		
Unzoned Areas	20	5	5

* Exception: For any lot of less than one acre within a recorded subdivision, the setback shall be five feet.

(2) Accessory Buildings. For lots and parcels subject to LC Chapter 10 Zoning requirements, the minimum setback distance for any residential accessory building shall be the same as that required for the main building, except that:

(a) the minimum distance between the entrance to any garage or carport and the applicable minimum road right-of-way specified in LC 15.070(1)(c) for the road from which access is taken shall be 20 feet; and

(b) in EFU, F-F 20, GR 10 and AGT districts, the minimum setback for an accessory building from an interior property line shall be five feet.

(3) Visual Clear Zone. All corner lots or parcels shall have a visual clear zone that is consistent with the Visual Clear Zone definition in LC 15.010. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 3-76, 4.7.76; 10-80, 7.11.80)*

DEDICATION AND IMPROVEMENT REQUIREMENTS

15.100 Purpose.

It is the purpose of this section to ensure that an appropriate portion of right-of-way and improvement costs are provided for by abutting properties without general public cost when the development of the abutting property, due to the size or type of use, necessitates the need for additional expansion or construction of existing or planned transportation facilities. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

15.105 Dedication and Improvement Requirements.

(1) When a land division or other development is proposed, the County may require dedications of right-of-way or easements and improvements necessary to meet the applicable road design standards of LC 15.700 through LC 15.708 and other requirements of this chapter. Road dedication or improvements shall be adequate to serve traffic generated by the new development.

(2) When a traffic impact analysis is required pursuant to LC 15.697, the County may require Public Road or County Road dedications and improvements consistent with the County-approved traffic impact analysis.

(3) If required by the County-approved traffic impact analysis pursuant to LC 15.697, changes or additions to County Road functional classifications shall be made pursuant to the procedures specified in LC 15.035 through LC 15.040.

(4) If dedications or improvements are required, the Director may determine that it is in the best interests of Lane County and in the furtherance of the public convenience and welfare that construction of the required improvements be deferred, and may accept in lieu of the required completion of improvements a performance improvement agreement pursuant to LM 15.850 through 15.865.

(Revised by Ordinance No. 6-75, Effective 3.26.75; 10-80, 7.11.80)

15.110 Variance to Dedication and Improvement Requirements.

An application for any Variance to the requirements of this section may be requested in accordance with the General Variance Provisions in LC 15.900. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

FRONTAGE

15.115 Purpose.

It is the purpose of this section to ensure that all parcels, lots or building sites abutting a County Road, Public Road or a Private Access Easement (Private Road) have the road frontage necessary for safe, usable and convenient ingress and egress and which ingress or egress does not adversely affect the use of the lot or parcel, the abutting road and the surrounding area. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

15.120 Frontage Requirements.

(1) Any lots or parcels abutting the right-of-way of a Public Road, County Road or a Private Access Easement (Private Road) as defined in LC 15.010(35) shall have continuous and usable abutment along said road of not less than 30 feet, except that a lawfully created lot or parcel with a minimum of 20 feet usable abutment and that existed as of April 28, 2004 is allowable.

(2) A lot or parcel meeting the requirements of LC 15.135(6) and served by an easement of less than 20 feet in width, shall be deemed to meet the frontage requirements of LC 15.120. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

15.125 Variances to Frontage Requirements.

An application for any Variances to the requirements of this section may be requested in accordance with the General Variance Provisions in LC 15.900. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

ACCESS**15.130 Purpose.**

It is the purpose of this section to insure that all lawfully created lots and parcels have reasonably safe, convenient and usable access that is sufficient to insure the continued unhampered lawful use of the lots and parcels, the restricting of undue individual hardship and public cost, and the efficient provisions for transportation and other needed facilities, services, and utilities. It is considered that the necessity for being able to travel to and from a lawfully established use and providing for the delivery of necessary services is a basic requirement for development. County Roads, Public Roads, Local Access Roads, and Private Access Easements as defined in LC 15.010(35) are required to comply with certain minimum standards in order to insure that vehicular access needs of the lot or parcel are met, that there is adequate and safe access for police, fire and other public service vehicles, that there is adequate provision for the installation and maintenance of sewer, water and storm drainage improvements, and that such roads are constructed in accordance with acceptable construction and engineering practice. The requirements of this subsection are intended to provide for the permanent access needs and the orderly development of the lot or parcel, the surrounding area and the community. *(Revised by Ordinance No. 6-75, Effective 3.26.75; 1-91, 6.14.91)*

15.135 General Access Requirements.

(1) All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement.

(2) A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel:

- (a) was created in an approved and recorded land division; or
- (b) is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision

were dedicated to the County but may not have been accepted as Public Roads as defined in LC 15.010(35); or

(c) is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or

(d) is served by a Private Access Easement meeting the requirements of LC 15.055; or

(e) is adjacent to a state road and meets any applicable state access and permit requirements.

(3) A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is:

(a) a County-maintained road or State-maintained road; or

(b) a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and

(c) any applicable dedication and improvement requirements of this chapter are met.

(4) Lots in platted subdivisions shall take access from the adjacent platted road unless a Variance to Access Requirements is approved pursuant to LC 15.140. Such roads shall be adequate to serve the proposed development and shall be:

(a) constructed at private expense to the requirements specified in this chapter; and

(b) located within the platted road right-of-way. A survey to determine the location of the right-of-way may be required at the discretion of the Director.

(5) When an existing County Road is used to provide access to a vacant lot or parcel where development is proposed:

(a) the approach for the driveway or private access easement serving the property shall meet the access management requirements and spacing and sizing requirements of LC 15.137 through LC 15.139 below; and

(b) the County may require dedications of right-of-way or easements and improvements pursuant to LC 15.105; and

(c) all work within the County Road right-of-way shall comply with the facility permit requirements of LC 15.205 through LC 15.210.

(6) When a lot or parcel is the site of an existing building, the lot or parcel shall be deemed to meet the access provisions of LC 15.135 through LC 15.139 when a building permit application is for the remodeling, alteration or replacement of an existing structure or the addition of an accessory building and no additional dwelling units or guest houses are created. *(Revised by Ordinance No. 6-75, Effective 3.26.75)*

15.137 Access Management Requirements.

The following requirements shall apply when access is taken from a County Road as defined in LC 15.010(35):

(1) Access decisions will be made in a manner consistent with the functional classification of the roadway.

(2) Where a right of access from a lot or parcel to a County Road exists, access may be allowed at less than the designated spacing standard only if the property does not have reasonable alternative access and the designated spacing cannot be accomplished. When sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be provided with the following restrictions:

(a) If possible, joint access should be considered;

(b) Not more than one access point will be permitted;