

(d) Riding stables.  
 (e) Bowling.  
 (f) Gymnasium or athletic club.  
 (g) Yachting clubs.  
 (h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.  
 (j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

- (a) Race track.
- (b) Amusement park, carnival, circus.
- (c) Stadium.
- (d) Fairgrounds and amusement park.
- (e) Recreational shooting.
- (f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Class I Stream Riparian Setback Area. The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) **Fire Safety Measures.** Residences, structures and roads shall comply with the following fire safety measures:

(i) **Fuel Breaks.** Fuel breaks around residences shall be maintained as follows:

(aa) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

<b>Size of the Primary Safety Zone by Percent Slope</b>		
<b>% Slope</b>	<b>Feet of Primary Safety Zone</b>	<b>Feet of Additional Safety Zone Down Slope</b>
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Building shall be restricted to slopes of less than 40 percent.

(bb) **Secondary Fuel Break.** The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) **Fire Suppression Water Supplies.** An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

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

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

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting equipment and containing rock to a depth of at least six inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting

equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below in LC 16.215(10)(vii).

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02)*

### **QUARRY AND MINE OPERATIONS ZONE (QM-RCP) RURAL COMPREHENSIVE PLAN**

#### **16.216 Quarry and Mine Operations Zone (QM-RCP).**

(1) Purpose. The purpose of the Quarry and Mine Operations Zone (QM-RCP) is to:

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

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

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

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

(e) Provide for cooperation between private and governmental entities in carrying out the purposes of this Chapter.

(f) To implement the policies of the Lane County Rural Comprehensive Plan.

(g) Establish procedures to insure compatibility of a Quarry and Mine Operation use with the area in which it is to be located, establish permitted uses and property development standards.

(2) Intent. The Quarry and Mine Operations Zone shall be available for consideration and use by the County for new or existing operations when requests are received as part of an areawide or legislative rezoning, or a specific property or quasi-judicial rezoning.

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

The Quarry and Mine Operations Zone is intended to be applied only to those operations which have been evaluated through the Goal #5 Administrative Rule conflict resolution process, which must be applied at the time of Rural Comprehensive Plan designation and coincident rezoning action per LC 16.216(2) above. Other quarry and mining operations of short-term or intermittent duration should be provided for pursuant to the special use provisions of the various zones.

(3) Definitions. For the purposes of this section only, the following words, terms and phrases are defined and supersede definitions otherwise provided in this Code:

Minerals. Includes soil, coal, clay, stone, crushed hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement.

Mining Refuse. All waste materials, soil, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within such operating permit area.

Operations Plan. A written proposal submitted to the State Department of Geology and Mineral Industries under the requirements of ORS 517.790.

Operator. Any individual, public or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in quarry and extraction operations.

Overburden. The soil, rock and similar materials that lie above natural deposits or minerals.

Owner. The person possessing legal rights to the mineral deposit being mined.

Quarry and Mine Extraction. All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities.

Reclamation. The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact such operations have on the environment, and to provide for the rehabilitation of land affected by such operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measure appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Reclamation Plan. A written proposal for the reclamation of the land area affected by a quarry and mine extraction operation submitted to the State Department of Geology and Mineral Industries.

(4) Permitted Buildings and Uses. In the Quarry and Mine Operations District, the following types of buildings and uses are permitted as hereafter specifically provided for by this section, subject to the provisions of the Quarry and Mining Operations Reclamation Permit and additional Conditions and exceptions set forth in this Chapter:

(a) Extracting and storing of minerals, including equipment and materials necessary to carry out these functions.

(b) Plants for the processing of minerals from quarry and mine extraction operations.

(c) Sale of products generated from the quarrying and mining operation.

(d) Activities permitted or required as part of the reclamation process provided for in the Reclamation Plan.

(e) Structures and buildings used in conjunction with the extracting and storing of minerals or related equipment as defined in LC 16.216(4)(a) above.

(f) Forest uses.

(g) Farm uses as defined in ORS 215.203(2).

(h) Water impoundments with less than 100 acre feet storage capacity and in conjunction with beneficial uses of water customarily associated with fire prevention, forest uses or farm uses.

(i) Fish and wildlife habitat management and any necessary and accessory uses.

(j) Maintenance and repair of a lawfully existing residence.

(k) Lawfully-established uses necessary and accessory to those listed above.

(l) Electrical facilities providing direct service to a use authorized in this zone.

(m) On premise signs used in connection with quarry and mine operations. Signs so permitted shall be limited to two per operation, shall not exceed 200 square feet total surface area per sign, shall not contain moving or flashing lights or be capable of movement.

(n) Caretaker's residence.

(o) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).

(5) Site Review Required. Uses permitted by LC 16.216(4)(a), (b), (c), (d) and (e) above shall be subject to the provisions of LC 16.257 (Site Review).

(6) Permits for Quarry and Mine Extraction.

(a) General. No quarry or mining extraction or related operations may be initiated on land zoned as Quarry and Mine Operations Zone (QM) until a surface mining permit has been issued by the Oregon Department of Geology and Mineral Industries.

(i) Each permit application, Operation and Reclamation Plan referred to the Director shall be reviewed following the Operation Standards and Reclamation Standards set forth in Lane Manual.

(7) Blasting Notice and Records. Operators using explosives for quarry and mine extraction shall follow explosive regulations and use commonly acceptable engineering standards based on physical conditions and atmospheric conditions of the site so as to prevent injury to persons and damage to public and private property.

(a) Notice of Blasting. When blasting is to be done within 500 feet of an occupied building, the operator, or an authorized agent, shall notify all occupants that a blast is to be initiated. Such notice shall be given not more than six hours nor less than 30 minutes prior to detonation and shall include the approximate time of the blast.

(b) Blasting Records. Each operator shall maintain a record of each blast for at least two years. These records shall be available to the County, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction upon request. Such records shall show the following for each blast:

(i) Name of quarry or mine.

(ii) Date, time and location of blast.

(iii) Description of type of explosives and accessories used.

(iv) Time interval of delay in milliseconds.

(v) Number of different delays.

(vi) Number of holes per delay.

(vii) Nominal explosive weight per hole.

(viii) Total explosive weight per delay.

(ix) Total weight of explosives per blast.

(x) Blast hole diameter, depth, spacing and stemming height.

(8) Property Development Standards.



(a) **Property Line Setbacks.** No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) **Class I Stream Riparian Setback Area.** The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(c) **Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area.** Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the rural Comprehensive Plan must comply with the provisions of LC 16.253(2). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92)*

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ARE RESERVED FOR FUTURE EXPANSION

**SAND, GRAVEL & ROCK PRODUCTS ZONE (SG-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.217 Sand, Gravel & Rock Products Zone (SG-RCP).**

(1) Purpose. The intent of the Sand, Gravel and Rock Products Zone (SG-RCP) is to:

(a) Recognize that sand and gravel deposits within the County are an unrenewable natural resource and beneficial to the economy of the County and the welfare of its people.

(b) Identify and zone under this zone major deposits of sand and gravel, rock and related material resources.

(c) Provide for the utilization of this resource in a manner compatible with other land uses in the area.

(d) Encourage the regular, systematic and uninterrupted extraction and processing of such resources.

(e) Establish procedures for assuring protection of public health and safety on and adjacent to land used for extraction and processing.

(f) Prevent irresponsible extraction of material resources, to the detriment of the public.

(g) Provide standards to be observed during the extraction process with a view to ultimate utilization of the site.

(h) 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.

(i) Implement the policies of the Lane County Rural Comprehensive Plan.

(j) Be applied only to those sites which have been evaluated consistently with the Statewide Planning Goal #5 Administrative Rule conflict resolution process.

(2) Definitions. Where conflicting, for the purposes of this section only, the following definitions supersede definitions otherwise provided in this Code:

Director. The Director of the Department of Public Works of Lane County.

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.

Review Committee. The Sand and Gravel Review Committee authorized to administrate the provisions of this section.

(3) Permitted Uses. In the SG-RCP zone, the following uses are permitted subsequent to the following restriction: For any property designated in the Eugene-Springfield Metropolitan Plan as significant in terms of OAR.660-16.000/025 and designated as '1B', a Goal 5 ESEE consequences analysis per the Goal #5 Administrative Rule must first be completed. If the landowner and County do not agree on the method to achieve the Goal, the matter shall be forwarded to the Hearings Official for processing consistent with LC 16.100.

(a) 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.

(b) 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 16.217(3)(a) above, on the same parcel or contiguous parcels of land on which the operation is being conducted.

- (i) Asphalt paving-mix plant.
- (ii) Cement concrete batching plant.
- (iii) Aggregate products fabrication and sale.
- (iv) Sand and gravel resource-related contractor's equipment storage yard.
- (v) Sand and gravel resource-related contractor maintenance and storage buildings.
- (vi) Offices and warehouses appropriate to the uses permitted in this zone.
- (vii) Retail or wholesale sales of products related to the use of sand, gravel and related products.

(c) Other uses permitted:

- (i) Agriculture, grazing or timber raising.
- (ii) Dwellings for owners, operators or help required to carry out LC 16.217(3)(b)(i) above.
- (iii) Accessory buildings normally required in LC 16.217(3)(b)(i) above.
- (iv) Extraction of sand, gravel and overburden, any combination of which does not exceed 1,000 cubic yards in any calendar year.
- (v) Electrical facilities providing only direct service to a use authorized in this zone.

(vi) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).

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

- (i) Identification signs (exterior) shall be limited to two per business establishment, and shall be designed as part of the building.

(4) Site Improvement Standards.

(a) 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.

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

(i) Slopes and Grading.

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

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

(aaa) 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, provisions will be made so that a person can find safe egress from any point on the shoreline of the excavation.

(bbb) The bottom of any excavation shall be gradually sloped and graded so that surface water shall drain into one low area of the excavation. If normal natural drainage is practicable, the excavated areas shall be graded to drain surface waters.

(ii-ii) Excavations made to water-producing depth which are not subject to periodic redepositing of extractive material by inundation of stream or river.

(aaa) The minimum depth of excavation must be not less than eight feet below low watermark measured in the year of excavation, provided that if subsurface conditions shall prevent excavation to such depth the depth may be less, if an administrative variance is granted or the operator has provided a reasonable alternative which will substantially prevent stagnation of water and growth of water vegetation.

(bbb) All banks shall be sloped at a ratio no steeper than one vertical to two horizontal (1:2) to a water depth of three feet, measured from low watermark.

(bb) The operator shall not be required to comply with the standards of LC 16.217(4)(b)(i)(aa) above in areas currently under excavation which are not adjacent to setback lines, provided that such area shall remain bonded until the standards of LC 16.217(4)(b)(i)(aa) above are met.

(ii) Drainage. Upon completion of operations, the condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and storm water drainage shall be maintained so as to prevent harmful effects on surrounding property.

(iii) Topsoil. Topsoil removed shall be retained on property in sufficient quantities to restore all grade or backfilled areas and on bank slopes above high water level. Such areas shall be covered with four inches of topsoil of at least equal quality to that removed; provided that, if the average depth of topsoil prior to excavation was less than four inches, then the depth required shall be such lesser average.

(iv) Cover and Planting. Upon replacement of topsoil, the operator shall provide ground cover of his or her own selection adequate to control erosion.

(v) Setbacks for Excavation. Excavation shall not be conducted closer than 150 feet to any property boundary, except as herein provided.

(aa) The Director may grant an administrative variance to decrease the setback upon showing that the eventual utilization of the site is compatible with a smaller setback up to the following minimums:

(i-i) Fifty feet from the boundary of any nonresidential zone, or the right-of-way of an existing street or road.

(ii-ii) One hundred feet from the boundary of a residential zone.

(bb) The Director may grant an administrative variance to waive the setback from adjoining property in a Sand, Gravel and Rock Products Zone, if no flood hazard will result.

(cc) The setback area may be excavated to reduce the elevation thereof to the grade of an adjoining public street or road.

(dd) Excavation may be conducted within the setback area under a plan approved by the Director through an administrative variance whereby the excavated area will be refilled with other materials which will neither decompose nor pollute underground waters.

(ee) When excavation is completed adjoining a setback, the setback area shall be smoothed, all excavation debris removed, and all trees which are in an unsafe condition removed. However, such setback areas may be used for permitted uses under LC 16.217(3)(b) and (c) above, subject to other provisions of this Chapter.

(vi) Cleanup and Removal of Structures.

(aa) During operations, the site shall be kept free of debris. All overburden shall be stockpiled or disposed of and all stumps, brush or other debris resulting from cleaning or excavating shall be burned or otherwise disposed of.

(bb) Within three years after the termination of an operation as defined in LC 16.217(3)(a) above, all buildings, structures or plants which were used incidental to the operation and were abandoned with the termination of the operation shall be dismantled and removed.

(vii) Site Improvements for Nonconforming Pre-existing Uses.

(aa) To the extent to which operations upon property have been completed when said property is included within the Sand, Gravel and Rock Product Zone, the provisions of the zone shall not be applicable.

(bb) If the operator shall resume excavations on property which had been excavated when it was included in the Sand, Gravel and Rock Products Zone, then:

(i-i) If banks cannot be sloped to the ratios required because the same are within minimum setback areas, or if the excavation is within the minimum setback areas, the operator shall either:

(aaa) Obtain an administrative variance from the minimum setback in order to accomplish such sloping; or

(bbb) Erect a fence along such nonconforming banks according to specifications ordered by the Director.

(ii-ii) Grading shall not be required after securing an administrative variance if such area has been covered by brush or vegetation which would make such work burdensome and uneconomic.

(iii-iii) Additional depth of excavation shall not be mandatory to conform to minimum depth standards.

(iv-iv) The operator shall not be required to change nonconforming setback areas.

(5) Operation Standards. All facilities shall be constructed, maintained and operated, and all operations shall be conducted in the zone in accordance with the standards set forth in this section.

(a) Setbacks.

(i) All equipment for processing operations shall not be built, erected or located closer than 50 feet to the perimeter boundary line of the property under the ownership or control of the operator or the right-of-way of an existing road, except when said boundary adjoins a residence or residential (R) zone, in which case no equipment shall be located within 150 feet of said residence or zone.

(ii) Stockpiling of sand and gravel and sedimentation ponds shall not be located closer than 25 feet to the perimeter boundary line or the right-of-way of an existing road.

(iii) If provisions of Chapter 11 of this Code as existing or hereinafter amended shall require greater setbacks than provided herein, then such Chapter shall apply.

(iv) The Director may allow smaller setbacks after following administrative variance procedure.

(b) Frontage and Access. Each tract of land used for uses permitted in LC 16.217(3)(a) and (b) above shall have 60-foot frontage on a public road or easement of access to a public road connecting with the public road system of Lane County.

(c) Screen Landscape. Existing trees and natural vegetation along a public park or public road, or adjoining a residential (R) zone, shall be preserved for a width of 25 feet or within the minimum setback, whichever is less.

(d) Signs.

(i) Business and Directional Signs. See LC 16.217(3)(d) above.

(ii) SG.RCP Zone Identification. The County, at its expense, shall have the right to put signs on the boundaries of any active operation which read:

THIS PROPERTY MAY BE USED FOR SAND AND GRAVEL EXTRACTION PROCESSING.

(e) Road Condition. All private access and service roads shall be maintained in a dust-free condition during intensive operations.

(f) Off Street Parking - Parking Areas. All parking facilities for employees and customers shall be located within the boundaries of the property under the control of the operator.

(g) Safety Fencing. During operations when any open excavation will have a depth of 10 feet or more, and will create a slope steeper than one vertical to two horizontal (1:2) for a period of more than 120 days, and is located within 200 feet of residentially occupied structures or a public road, a fence shall be erected at least 10 feet outside the edge of such excavation at least four feet in height, to control access to such excavation.

(h) Stream Operations. Operations in or adjacent to streams shall conform to the following standards:

(i) The turbidity of the stream adjacent to the operations shall not be increased by more than five Jackson Turbidity Units.

(ii) There shall be no direct discharge of gravel-washing waters into an adjacent stream

(iii) Operators shall work behind dikes which are of sufficient height to control turbidity during low water seasons. Where the dike forms the permanent river bank according to a river plan which may be adopted by the Board, the berm of the dike shall be of sufficient width and height to contain annual high water.

(iv) Equipment shall not be operated in the flowing streams, except to construct or maintain berms or to make channel improvements according to a river plan that may be adopted by the Board.

(v) After a river plan is adopted, the river channel shall not be diverted from its normal course unless a permanent river channel is developed.

(vi) The Director may waive the requirements of LC 16.217(5)(h)(iv) and (v) above for limited periods of time.

(6) Performance Bond.

(a) Except during the 60-day period provided for by LC 16.217(9)(a)(i) below, no excavation shall be permitted within this zone in areas which are not covered by a performance bond in the amount of \$500 per acre, and any additional dollar amounts determined by the Director to be necessary for side restoration, which has been submitted to the Director and accepted by the Board. The amount of acreage to be bonded shall be left to the choice of the operator, but no excavation shall be permitted within this zone in areas which are not covered by a performance bond in the amount of \$500 per acre, and any additional dollar amounts determined by the Director to be necessary for site restoration, which has been submitted to the Director and accepted by the Board. The amount of acreage to be bonded shall be left to the choice of the operator, but no excavation shall be permitted in any area which has not been bonded.

(i) The performance bond shall be issued by a corporate surety licensed to issue surety bonds in the State of Oregon, or shall be in another form approved by the Director.

(ii) The bond shall guarantee the faithful performance of all applicable site improvement standards specified in LC 16.217(4) above for all areas excavated after the land is zoned hereunder.

(b) The operator may at any time make application to the Board for release of any bond as to specified acreage which either has not been excavated or has been excavated and restored to the standards contained herein. Within 30 days after the date of such application, the Board shall consider the application and, if the Board shall determine that the site improvement standards have been performed on specified acreage, then the bond shall be released as to such acreage.

(c) If acreage excavated is not restored according to the applicable site improvement standards, the County, or its designated representative, may enter upon such property, make the required improvements and present the operator and the corporate surety with a statement of expenses. The surety bond shall guarantee payment to the County for its expenses incurred, not to exceed \$500 per acre, and any additional dollar amount determined by the Director to be necessary for site restoration.

(7) Administration.

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

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

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

(bb) The Public Works Director.

(cc) The Parks and Recreation Director.

(dd) The Director of Building and Sanitation Department (Chief Sanitarian)

(ee) The County Hydrogeologist.

(ff) The County Floodplain Specialist.

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

The advisory board shall include:

(aa) A member of the Soil Conservation Service.

(bb) A member from a local conservation group.

(cc) A member of the general public.

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

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

(ff) Any other appropriate person.

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

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



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

(vi) The operator shall be allowed to proceed in accordance with the approved or modified plans. The Director of Public Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 16.262 of this Chapter. The operator shall then be subject to the penalties of LC 16.263 of this Chapter, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

(vii) Decisions by the Review Committee pursuant to LC 16.217(7)(a)(v) above may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.

(b) Variances. Variances to dimensional standards such as setbacks and slope ratios within this zone are subject to approval by the Director pursuant to LC 14.100 and must conform to the following criteria:

(i) The variance is not in conflict with the general purpose and intent of the zone.

(ii) There are exceptional or extraordinary circumstances applicable to the property involved.

(iii) The denial of the request would result in undue and unreasonable property loss to the applicant.

(iv) The variance will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of other property.

(8) Materials to be Filed. The following materials must be filed with the Director by any person conducting the use specified in LC 16.217(3) above within a Sand, Gravel and Rock Products Zone:

(a) Vertical aerial photograph of all land included in the plan of operations required in LC 16.217(8)(e) below enlarged to a scale no smaller than one inch to 200 feet, which is certified by the photographer to have been photographed not more than one year prior to submission.

Photographs taken prior to one year from the date of submission may be submitted, if accompanied by a signed declaration of the owner that there have been no substantial changes in land form.

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

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

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

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

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

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

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

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

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

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

(vii) Approximate locations of the areas specified in LC 16.217(8)(e) (i) through (iv) above, and of the typical cross sections, shall be identified on either the boundary map of the area of the aerial photograph. Approximate acreage for each of the said areas shall be specified.

(f) If an operation shall have facilities or stockpiles which existed prior to enactment of this zone for any specific area which do not conform to the setback or other standards set forth herein and which are not required to conform, the operator or owner shall also submit specific information as to the location of such nonconforming facilities or stockpiles with identifying maps showing actual locations and distances from property lines.

(9) Filing Procedures.

(a) The materials required to be filed by LC 16.217(8) above shall be filed with the Director:

(i) Within 60 days after an area in which the sand and gravel operation is being conducted is zoned as a Sand and Gravel Zone.

(ii) Prior to the commencement of excavation of sand and gravel in an area zoned as a Sand and Gravel Zone.

(b) Whenever any person conducting the use specified in LC 16.217(3)(a) above plans any operation or facility in conflict with or not covered by the plan of operation which was required to be filed by LC 16.217(8)(e) above, the operator shall file with the Director, for evaluation, a revised plan of operation and aerial photograph meeting the requirements of LC 16.217(3)(a) and (d) above.

(10) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.040, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with this criteria and standards specified in this chapter of Lane Code:

(a) Facilities transmitting electrical current in any single cable or group of cables or lines through the Sand and Gravel Zone.

(11) Special Use Approval Criteria. Uses specified under LC 16.217(10) above shall comply with the following criteria:

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

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

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

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

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

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

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**SAND, GRAVEL & ROCK PRODUCTS-CONTROLLED PROCESSING ZONE  
(SG-CP-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.218 Sand, Gravel & Rock Products-Controlled Processing Zone (SG-CP-RCP).**

(1) Purpose. The provisions of the Sand, Gravel & Rock Products-Controlled Zone (SG-CP-RCP) are intended to provide more restrictive control of processing activities than the Sand, Gravel & Rock Products Zone (SG-RCP), for the purpose of encouraging the preservation and orderly extraction of sand and gravel deposits and for the protection of surrounding properties by the exercise of greater control over the location and operation of sand and gravel extraction processing activities. It is further intended by the establishment of the SG-CP-RCP Zone that the Comprehensive Plan for Lane County and any pertinent special studies shall be used as a basis to determine where this zone would be more appropriate than the SG-RCP Zone.

The SG-CP-RCP zone shall only be applied to those sites which have been evaluated consistently with the Statewide Planning Goal #5 Administrative Rule conflict resolution process.

(2) Regulations. The requirements of the SG-CP-RCP Zone shall be the same as provided in the SG-RCP Zone (LC 16.217), except as expressly provided in this section.

(a) Land Use Compatibility as Operation Standard. The Sand and Gravel Review Committee shall evaluate, in its consideration of operational plans as provided in LC 16.217(7), the location for the erection or enlargement of all processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, by the criteria set forth in LC 16.218(3) below. In addition to these criteria, the Review Committee shall consider compliance with the adopted Comprehensive Plan of Lane County and shall further consider special studies which have been developed for the subject area. Notwithstanding the provisions of 16.217(a)(v), the Committee shall disapprove all or a part of any portion of any operations plan involving such processing equipment or activities which, in the Committee's judgment, do not conform to the above-described criteria, plans or studies.

(b) Administration.

(i) In addition to the same administrative procedures as provided in LC 16.217(7)(a)(i) through (iv), the following procedures shall apply for (1) processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, and for (2) operations plans which include a request to vary the minimum setback dimensions provided in LC 16.217(5)(a) from an SG-CP-RCP Zone boundary.

(c) Review Committee Action. Within seven days after obtaining the necessary recommendations of the Oregon State Lane Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall (a) approve the plans or require modification in the plans to conform with the requirements

of this Chapter and with a river design plan which may be adopted by the Board, or (b) disapprove the plans as authorized in LC 16.218(2)(a) above.

The Review Committee shall follow LC 14.100 when approving, modifying or denying plans. Decisions by the Review Committee pursuant to LC 14.100 may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.

(bb) **Approved Plans.** The operator shall be allowed to proceed in accordance with the plans as finally approved by the Sand and Gravel Review Committee, or Board of Commissioners in the event of appeal. The Director of Public Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 16.262 of this Chapter or other applicable laws. The operator shall then be subject to the penalties of LC 16.263 of this Chapter or other applicable law, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law. Variances to dimensional standards provided in LC 16.217(5) shall be considered by the Review Committee as a part of the consideration of operational plans and are subject to the same standards and criteria contained in LC 16.217(7)(b).

(3) **Operational Plan Approval Criteria.** Compliance to the following criteria is required as provided in LC 16.218(2)(a) above:

- (a) Conformity with the Rural Comprehensive Plan for Lane County.
- (b) The location, size, design and operating characteristics of the proposed use:
  - (i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity., and
  - (ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)
  - (iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
  - (iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(4) **Permitted Uses.** In the SG-CP-RCP zone, the following uses are permitted subject to the following restriction: For any property designated in the Eugene-Springfield Metropolitan Plan as significant in terms of OAR 660-16-000/025 and designated as '1B', a Goal #5 ESEE consequences analysis per the Goal #5 Administrative Rule must first be completed. If the landowner and County do not agree on the method to achieve the Goal, the matter shall be forwarded to the Hearings Official for processing consistent with LC 16.100. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## **PUBLIC FACILITIES ZONE (PR/RCP) RURAL COMPREHENSIVE PLAN**

### **16.219 Public Facilities Zone (PF-RCP).**

(1) **Purpose.** The Public Facilities Zone (PR-RCP) is intended to provide land for those public and semipublic functions that provide a service and are by nature an

intensive or unusual use not normally associated with other zones. The zone is not intended for facilities that are primarily for an open space recreational nature, and is intended for those areas that have been included in an exception as part of the Rural Comprehensive Plan.

(2) Permitted Uses. The following uses are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) Utilities essential to the physical, economic and social welfare of an area such as:

(i) Electric utility: electric transmission right-of-way, electric generation plant, electricity regulating substations.

(ii) Gas utility: gas pipeline right-of-way, natural or manufactured gas storage and distribution points, gas pressure control stations.

(iii) Water utility: water pipeline right-of-way, water treatment plants, water storage.

(iv) Sewage disposal: sewage treatment plants, sewage sludge drying beds, sewage pressure control stations.

(v) Solid waste disposal: refuse incineration, central garbage grinding stations, composting plants, sanitary landfills and refuse disposal.

(b) Educational services such as:

(i) Nursery, primary and secondary education.

(ii) Colleges and professional schools.

(iii) Special training schools such as those for: vocational, trade, business, art, music, dancing, driving, gymnastics, correspondence, etc.

(c) Religious activities, including churches, synagogues, temples, monastery or convent, etc.

(d) Welfare and charitable services.

(e) Professional membership organizations.

(f) Labor unions and similar labor organizations.

(g) Civic, social and fraternal associations.

(h) Business associations.

(i) Sports assembly, such as stadium, arenas and race tracks.

(j) Governmental services, such as post office, fire station and police station.

(k) Cemeteries.

(l) Fairgrounds which may include a race track.

(m) Health Services, such as dental, hospital, medical laboratory, dental laboratory, sanitarium, convalescent and rest home services, medical clinics.

(n) Communication and facilities, such as:

(i) Telephone: exchange stations, relay towers.

(ii) Telegraph: message centers, transmitting and receiving stations.

(iii) Radio: broadcasting studios, stations, towers.

(iv) Television: broadcasting studio, transmitting stations and relay tower.

(o) Heliport.

(p) A dwelling or mobile home for one or more persons employed on the premises.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).

(3) Siting Requirements. Development of all uses in LC 16.219(2) above may be subject to the requirements of LC 16.257 site review procedures, and verification of

whether or not Site Review is necessary must be made prior to development of a listed use.

(4) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Class I Stream Riparian Setback Area. The riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan must comply with the provisions of LC 16.253(2):

(d) Height. None.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Illuminated signs may be allowed.

(iii) Signs shall be limited to 200 square feet in area.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(5) Telecommunication Towers. Notwithstanding the requirements in LC 16.219(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 16-92, 12.16.92; 4-02, 4.10.02)*

### **LIMITED COMMERCIAL ZONE (C-1, RCP) RURAL COMPREHENSIVE PLAN**

#### **16.220 Limited Commercial Zone (C-1, RCP).**

(1) Permitted Buildings and Uses. In the C-1, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and

verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any use permitted in the RG-RCP Zone (LC 16.230) in accordance with the requirements of this zone.

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

(c) Business and professional offices.

(d) Clinics.

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

(f) Public parking areas developed in accordance with provisions established in the general off street parking section (LC 16.250).

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

(h) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(i) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.220(2) above shall comply with the following criteria:

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

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

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

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads., and to any other relevant impact of the use.)

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

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

(4) Height. (Also see LC 16.250.) No building or structure, nor the enlargement of any building or structure, shall be hereafter erected or maintained to exceed two and one-half stories or 35 feet in height, except apartment houses, which may be constructed to a height of three stories, or 45 feet in height.

(5) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-1, RCP Zone.

(6) Lot Coverage. The main building or buildings and accessory buildings shall not occupy in excess of 60 percent of the ground area.

(7) Vision Clearance.

(a) Vision clearance for corner lots shall be 15 feet.

(b) Vision clearance on alley-street intersections shall be seven and one-half feet.

(8) Off Street Parking.

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

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

(c) Business and professional offices and nurseries shall provide at least one parking space for each 2,000 square feet of lot space or fraction thereof, except that, if two or more business or professional offices are located on a single site, a minimum of two parking spaces shall be provided for each office.

(d) Clinics shall provide at least two parking spaces for each consultation and operating room.

(9) Signs. Exterior signs shall be limited to two per business establishment, and shall be designed as a part of the building.

(10) Area. (Also see LC 16.250.)

(a) Size of Lot.

(i) Lots shall have a minimum average width of 60 feet and a minimum area of 6,000 square feet, except that where a lot has an average width of less than 60 feet as of January 8, 1969, such lot may be occupied by any use permitted in this section.



(ii) Space required for auto courts shall be not less than 1,200 square feet of lot space per dwelling or sleeping unit.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.220(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02)*

### **NEIGHBORHOOD COMMERCIAL ZONE (C-2, RCP) RURAL COMPREHENSIVE PLAN**

#### **16.221 Neighborhood Commercial Zone (C-2, RCP).**

(1) Permitted Buildings and Uses. In the C-2, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Any residential or "R" use which is not lower than the most restricted "R" use abutting the C-2, RCP Zone in accordance with the requirement of the respective "R" zone.

- (b) Bakery.
- (c) Bank.
- (d) Barber shop or beauty parlor.
- (e) Book or stationery store.
- (f) Catering service.
- (g) Clothes cleaning and/or pressing establishment; provided equipment

shall be limited to two clothes cleaning units with a rated capacity of not more than 40 pounds each, and shall be of the closed-type unit, using perchlorethylene cleaning solvent.

- (h) Clubs or lodges, fraternal and religious associations.
- (i) Confectionery store.
- (j) Curios and antique.
- (k) Delicatessen store.
- (l) Department store.
- (m) Drug store.
- (n) Dry goods or notions store.
- (o) Florist or gift shop.
- (p) Furniture, household goods and furnishing.
- (q) Laundry agency.
- (r) Laundry (self-service).
- (s) Meat market.
- (t) Millinery or custom dressmaking shops.
- (u) Musical instruments and supplies.

- (v) Office supplies and equipment.
  - (w) Paint and wallpaper supplies.
  - (x) Photographer.
  - (y) Plumbing supplies.
  - (z) Printing.
    - (aa) Public parking areas developed in accordance with provisions established in LC 16.250.
    - (bb) Restaurants, tea rooms, cafes.
    - (cc) Seeds and garden supplies.
    - (dd) Service stations, provided greasing and tire repairing are performed completely within an enclosed building.
    - (ee) Shoe or shoe repair shop.
    - (ff) Sporting goods.
    - (gg) Surgical supplies and equipment.
    - (hh) Tailor, clothing and wearing apparel shops.
    - (ii) Telephone and telegraph exchanges.
    - (jj) Theaters (conventional).
    - (kk) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
      - (i) Purpose and intent of this District.
      - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
        - (aa) Bulk, size, and operating characteristics of the proposed use.
        - (bb) Parking demand, customer types and traffic generation.
        - (cc) Intensity of land use of the site.
        - (dd) Potential demand for public facilities and services.
        - (ee) Products or services produced or vended on or from the site.
      - (iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.
      - (iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
- (ll) Municipal Service terminals, such as street cleaning operations; establishment or expansion of all such uses shall be subject to Site Review Approval pursuant to LC 16.257.
 

The above-specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively, and shall be permitted only under the following conditions: Such stores, shops or businesses shall be conducted wholly within an enclosed building, and all products produced shall be sold at retail, on the premises.

  - (mm) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the

application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n)

through (q).

(3) Special Use Approval Criteria. Uses specified under LC 16.221(2) above shall comply with the following criteria:

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

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

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

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

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

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

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.).

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

(7) Off Street Parking.

(a) Parking space and loading space shall be provided as specified in the General Parking Requirements (LC 16.250).

(b) Parking space for dwellings shall be in accordance with the requirements for the type of dwelling structure as provided in the RG-RCP Zone (LC 16.230).

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.221(1)-(2) above, telecommunication facilities are allowed subject to compliance with

the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02)*

### **COMMERCIAL ZONE (C-3, RCP) RURAL COMPREHENSIVE PLAN**

#### **16.222 Commercial Zone (C-3, RCP).**

(1) Permitted Buildings and Uses. In the C-3, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

- (a) Any use permitted in the RG-RCP and C-2, RCP zones (LC 16.230 and 16.221) in accordance with the requirements of this zone.
- (b) Agricultural supplies and machinery sales room.
- (c) Automobile sales agencies or garages.
- (d) Builders supplies, including retail sales of lumber; provided that all salvaged or building supplies and materials shall not be exposed to view from outside the property.
- (e) Drycleaning establishments using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is nonodorous, as well as nonexplosive and nonflammable at temperatures below 138.5 degrees F.
- (f) Feed and fuel stores.
- (g) Fumigation chambers, when approved by the Oregon State Board of Health.
- (h) Outdoor advertising.
  - (i) Places of amusement, such as billiard parlors, taverns, bowling alleys, drive-in theaters, dance halls and games of skill and science, if conducted wholly within a completely enclosed building.
- (j) Plumbing and sheet metal.
- (k) Professional playfields, including baseball, football, etc.
- (l) Second-hand stores, if conducted wholly within an enclosed building.
- (m) Stadiums.
- (n) A facility which exists for the purpose of providing for the temporary care and/or lodging of adult indigent persons shall be allowed; provided that before a building permit is issued for the establishment of a new facility or the expansion of an existing facility the Planning Commission determines at a public hearing that the site in question would not be unduly detrimental to the welfare, health and safety of the public, and the immediate residents of the vicinity.

(o) Stores (retail and wholesale) and business uses similar to the above and normally located in a commercial zone; provided that:

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

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

(p) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Recreation vehicle park.

(f) Campground or picnic area.

(g) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.222(2) above shall comply with the following criteria:

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

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

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

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

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

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

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

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15).

(a) No structures other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the C-3, RCP Zone.

(5) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

(6) Off Street Parking.

(a) Parking space and loading space shall be provided as specified in the General Parking Requirements section (LC 16.250).

(b) Parking space for dwellings shall be in accordance with the requirements for the type of dwelling structure as provided in the RG-RCP Zone.

(7) Telecommunication Towers. Notwithstanding the requirements in LC 16.222(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02)*

## **RURAL COMMERCIAL ZONE (C-R, RCP) RURAL COMPREHENSIVE PLAN**

### **16.223 Rural Commercial Zone (C-R, RCP).**

(1) Purpose. The purpose of the Rural Commercial Zone (C-R, RCP) is:

(a) To provide goods and services needed by rural residents.

(b) To provide services and facilities for tourists and travelers.

(c) To implement the policies of the Lane County Rural Area Comprehensive Plan, primarily those policies related to commercial development of areas identified as committed or built upon.

(d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code. Uses listed

below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

- (a) Retail trade of food.
- (b) Retail trade of new general merchandise.
- (c) Retail trade of building materials, hardware or farm equipment conducted within an enclosed building.
- (d) Restaurants.
- (e) Service stations.
- (f) Personal services.
- (g) Finance, insurance, banking and real estate services.
- (h) Professional services.
- (i) Retail trade of secondhand general merchandise within an enclosed building.
- (j) Bus passenger terminal.
- (k) Civic, social and fraternal meeting places.
- (l) Boat charter and rental, including fishing equipment.
- (m) Hotel, motel or lodge, and related recreational facilities.
- (n) Bed and breakfast accommodation.
- (o) Veterinarian clinic.
- (p) Bars, night clubs and taverns.
- (q) Retail trade of hay, grains or goods for animal consumption.
- (r) Day camp and picnic areas.
- (s) Outdoor tourist attractions featuring displays of educational or historical value.
- (t) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.
- (u) A dwelling or mobile home in conjunction with an above permitted use.
- (v) Uses accessory to an above permitted use.
- (w) A noncommercial kennel.
- (x) Indoor or outdoor theaters.
- (y) Post Office facilities.
- (z) Family day care facility in a permitted residence.
- (a-a) Residential home in a permitted residence.
- (b-b) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
  - (i) Purpose and intent of this District.
  - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
    - (aa) Bulk, size, and operating characteristics of the proposed use.
    - (bb) Parking demand, customer types and traffic generation.
    - (cc) Intensity of land use of the site.
    - (dd) Potential demand for public facilities and services.
    - (ee) Products or services produced or vended on or from the site.
  - (iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other

commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(c-c) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Special Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and considerations specified by this chapter of Lane Code:

(a) Uses and activities:

(i) Retail trade of building materials, hardware or farm equipment conducted partially or wholly outdoors.

(ii) Equipment rental and leasing service.

(iii) Overnight campground and picnic areas.

(iv) Recreational vehicle park.

(v) Vehicle repair service.

(vi) Recreational vehicle and boat storage.

(vii) Marina.

(viii) A commercial kennel or a commercial breeding kennel.

(ix) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(b) Criteria. The above uses should substantially conform to the following criteria:

(i) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposed intent and are compatible with the surrounding vicinity.

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

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

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

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

(vi) That, based on anticipated traffic generation, adequate additional right-of-way and road improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of Lane Code, Chapter 15, "Roads", and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/ acceleration lanes.

(vii) That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.



(viii) That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(ix) That all signs and illumination are in scale and harmonious with the site and area.

(x) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements etc. that are required.

(4) Area. No minimum established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(5) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Class I Stream Riparian Setback Area. The riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area.

Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(d) Heights. Maximum height of any structure shall be 45 feet.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be flashing or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(iv) No sign shall project above the height of the tallest structure on the property.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(6) Telecommunication Towers. Notwithstanding the requirements in LC 16.223(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird

Habitat protection Standards and Criteria in LC 16.005(4). (Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02)

**LIMITED INDUSTRIAL ZONE (M-1, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.224 Limited Industrial Zone (M-1, RCP).**

(1) Permitted Buildings and Uses. In the M-1, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

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

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

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

(d) Kennel; provided the following conditions are satisfied:

(i) The maximum number of dogs over four months of age shall be eight.

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

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

(e) Laboratories, research and testing.

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

(g) Manufacturing, assembling, processing, packaging, storage or wholesale distribution of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks and food products, except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

(h) Outdoor advertising.

(i) Storage buildings for household or consumer goods.

(j) Public and semipublic utilities, buildings and uses rendering direct utility service to the public in the local area, such as fire stations, utility stations or wells.

(k) Lawful uses existing on a property prior to July 9, 1982, and expansion or replacement of such uses which will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing prior to the effective date of the adoption of the ordinance.

(l) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

- (cc) Intensity of land use of the site.
- (dd) Potential demand for public facilities and services.
- (ee) Products or services produced or vended on or from the site.

site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(m) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

- (a) Aircraft landing field or heliport in conjunction with a use permitted in this zone.
- (b) Banks.
- (c) Barbershop, beauty shop.
- (d) Building maintenance service.
- (e) Carnival, circus.
- (f) Convenience grocery store (maximum of 2,000 square feet).
- (g) Correctional institution, jail, penal farm.
- (h) Credit union office.
- (i) Garbage dump, garbage transfer facility.
- (j) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (k) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.
- (l) Other uses similar to permitted uses in this zone; provided that:
  - (i) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
  - (ii) Items manufactured, assembled, processed or produced in area shall be for wholesale.
- (m) Public and private parking areas and garages.
- (n) Radio and television stations, radio and television towers; facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.
- (o) Restaurants, taverns.
- (p) Rock, sand, gravel and loam excavations, with incidental processing.
- (q) Service stations.
- (r) Sewage treatment facilities.
- (s) Expansion of a lawful preexisting use in excess of that allowed as a permitted use.
- (t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.224(3) above shall comply with the following criteria:

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

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

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

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

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

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

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-1, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum load space and setbacks have been provided.

(6) Vision Clearance.

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

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.224(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02)*

## LIGHT INDUSTRIAL ZONE (M-2, RCP) RURAL COMPREHENSIVE PLAN

### 16.225 Limited Industrial Zone (M-2, RCP).

(1) Permitted Buildings and Uses. In the M-2, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this

section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

- (a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.
- (b) Any use permitted in the M-1, RCP Zone (LC 16.224(2).)
- (c) Bottling works, including alcoholic beverages.
- (d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.
- (e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.
- (f) Feed and seed store.
- (g) Freighting and trucking yards or terminal.
- (h) Mobile home sales and repairs.
- (i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- (j) Lumberyards and building material sales.
- (k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.
- (l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.
- (m) Moving equipment rental, parcel delivery plant.
- (n) Poultry or rabbit killing, incidental to a retail trade on the same premises.
- (o) Tire recapping.
- (p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.
- (q) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
  - (i) Purpose and intent of this District.
  - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
    - (aa) Bulk, size, and operating characteristics of the proposed use.
    - (bb) Parking demand, customer types and traffic generation.
    - (cc) Intensity of land use of the site.
    - (dd) Potential demand for public facilities and services.
    - (ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(r) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3).)

(b) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(c) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.225(2) above shall comply with the following criteria:

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

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

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

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

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

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

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space, loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from curb or walk level to a minimum height of eight feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.225(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02)*

### **HEAVY INDUSTRIAL ZONE (M-3, RCP) RURAL COMPREHENSIVE PLAN**

#### **16.226 Heavy Industrial Zone (M-3, RCP).**

(1) Permitted Buildings and Uses. In the M-3, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

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

(b) Any use permitted in the M-2, RCP Zone (LC 16.225(2)).

(c) Industrial and associated commercial buildings and uses. All manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing, researching or any combination thereof of items, material or goods, is permitted.

(d) Other uses similar to the above, and those uses which are unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(e) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(f) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

(iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(g) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3)).

(b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.226(3) above shall comply with the following criteria:

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

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

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

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

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

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

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-3, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 66 feet shall be a minimum of one foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance of more than 10 feet shall be required. Said vision clearance shall be from the curb or walk level to a minimum of eight feet.

(7) Off Street Parking. (Also see LC 16.250.)



(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.226(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02)*

**INMATE WORK CAMP ZONE (IWC/RCP)  
RURAL COMPREHENSIVE PLAN**

**16.227 Inmate Work Camp Zone (IWP/RCP).**

(1) Purpose. The Inmate Work Camp zone is a special-purpose zoning district designed to accommodate the unique requirements of rehabilitative correctional facilities in rural areas. The zone is intended to be applied consistently with the requirements of the Lane County Rural Comprehensive Plan, Policies Element, Goal 11: Public Facilities and Services Policy #7. Such facilities provide for activities which are as typical of those taking place in, and dependent upon, resource areas; and which, because of their nature, require physical isolation from other developed land uses and the maintenance of continuing security measures for their operation. The zone is also intended to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. Uses permitted in this zone are limited to correctional work camp facilities, and related accessory uses, operated by authorized public agencies or their designates. Such uses normally include, but are not necessarily limited to, supervised living quarters, dining halls, craft areas, counseling areas, indoor and outdoor recreational areas, staff residences and administrative quarters, cleaning and sanitation facilities, onsite water supply and sewage-disposal systems, vehicular parking and circulation areas, outdoor lighting, security alarm systems, perimeter and internal security fencing, and limitations upon the movements of residents and visitors.

(3) Property Development Standards. All uses permitted above shall be subject to the following development standards:

(a) Siting and Fire Safety Standards. All structures designed for human occupancy shall:

(i) Where possible, in consideration of the dimensions and topography of the tract, be sited at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(ii) Maintain a fuel break of 50 feet around the structures. Fuel breaks shall be free of hazardous fuels in the form of native vegetation. Fuel breaks shall be continually maintained and may contain individual tree specimens; however, plant materials shall not provide a means of readily spreading fire. Fuel breaks shall comply with the riparian vegetation protection standards of LC 16.227(3)(c) and (d) below.

(iii) Provide an adequate fire suppression system. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump, or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes.

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

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

(iv) Have a spark arrestor on any chimneys and fire retardant roofs.

(b) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines, except as provided below.

(c) Class I Stream Riparian Setback Area. The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(d) Maintenance, Removal, and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan must comply with the provisions of LC 16.253(2).

(e) Height. None.

(f) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be externally illuminated, but not capable of movement.

(iii) Signs shall be limited to 200 square feet in area per sign.

*(Revised by Ordinance No. 17-87, Effective 12.25.87; 10-92, 11.12.92)*

### **SUBURBAN RESIDENTIAL ZONE (RA-RCP) RURAL COMPREHENSIVE PLAN**

#### **16.229 Suburban Residential Zone (RA-RCP).**

(1) Purpose. The purpose of the Suburban Residential Zone (RA-RCP) is:

(a) To provide opportunities for people to live in a rural area.

(b) To allow primary and accessory residential uses and nonresidential uses which may be compatible with primary residential uses.

(c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed or built upon and located within a community area.

(d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code.

(a) One single-family dwelling, mobile home or duplex on a legal lot.

(b) One single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner; provided that the minimum average density per residential unit complies with the following standards:

(i) Where a community sewerage system and community water system is available, the ratio of residences to area shall not exceed one residence per 10,000 square feet.

(ii) Where an on-site sewage disposal system and community water system is available, the ratio of residences to area shall not exceed one residence per 20,000 square feet.

(iii) Where an individual water system and on-site sewage disposal system is available, the ratio of residences to area shall not exceed one residence per acre.

(iv) In all cases, an approved means of sewerage must be obtained.

(c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:

(i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.

(ii) To qualify as a relative of the existing resident, a person shall be the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the existing resident.

(iii) Satisfactory evidence of the hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the person's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

(iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

(vii) Approval of temporary manufactured dwelling permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Residential Home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or,

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(h) Forest uses, including the propagation and harvesting of forest products, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

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

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

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

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

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.

(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Noncommercial kennel.

(p) Family day care facility in a permitted residence.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home, and accessory uses, for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit as specified in LC 16.229(2)(b) above is maintained.

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

(b) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.229(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.229(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(c) More intensive farm use than those specified in LC 16.229(2)(g) above.

(d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300 and the general provisions and criteria specified by this chapter of Lane Code:

(a) Animal hospitals.

(b) Commercial breeding kennel.

(c) Commercial kennel.

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

(e) Cemeteries, human or animal.

(f) Churches.

(g) Group care home.

(h) Day care nurseries.

(i) Golf courses.

(j) Lodges and grange halls.

(k) Nursing homes.

(l) Parks, playgrounds, community centers.

(m) Public and private schools.

(n) Radio and television transmission facilities.

- (o) Solid waste disposal facilities.
  - (p) Stables, riding academies and commercial riding.
  - (q) Storage facilities for boats and recreational vehicles.
  - (r) Sewage treatment facilities.
  - (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.
  - (t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.
  - (u) Mobile home parks.
  - (v) Amusement park, carnival or circus.
  - (w) Correctional institution.
  - (x) Garbage dump, sanitary landfill or solid waste management.
  - (y) Jail or penal farm.
  - (z) Race track.
  - (a-a) Sewage treatment plant.
  - (b-b) Boarding of horses for profit.
  - (c-c) Primary processing facility.
- (5) Hearings Official Approval Criteria. Uses identified in LC 16.229(4) above must comply with the following criteria:
- (a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.
  - (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.
  - (c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.
  - (d) Where necessary, adequate provisions for access, sewerage and potable water would be provided for the intended use.
- (6) Area. The creation of a parcel or lot for RA zoned property shall be subject to the following minimum area requirements:
- (a) Where a community sewerage system and community water system is available, the minimum area requirement shall be 10,000 square feet.
  - (b) Where an on-site sewage disposal system and community water system is available, the minimum area requirement shall be 20,000 square feet.
  - (c) Where an individual water system and on-site sewage disposal system is available, the minimum area requirement shall be one acre.
  - (d) In all cases, an approved means of sewerage must be obtained.
  - (e) There is no minimum lot size for a parcel to accommodate uses allowed by LC 16.229(2)(j) above.
- (7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:
- (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:
    - (i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
    - (ii) 10 feet from all other property lines except as provided below.
  - (b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.
  - (c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access

public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28--Department of Commerce, effective on April 1, 1986.

(d) **Class I Stream Riparian Setback Area.** The riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(e) **Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area.** Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan must comply with the provisions of LC 15.253(2).

(f) **Height.** 45 feet shall be the maximum allowable structural height.

(g) **Signs.**

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement

(iii) Signs shall be limited to 200 square feet in area.

(h) **Parking.** Off street parking shall be provided in accordance with LC 16.250.

(8) **Telecommunication Towers.** Notwithstanding the requirements in LC 16.229(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02)*

## **GARDEN APARTMENT RESIDENTIAL ZONE (RG-RCP) RURAL COMPREHENSIVE PLAN**

### **16.230 Garden Apartment Residential Zone (RG-RCP).**

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

(a) Single-family dwelling.

(b) Two family dwelling (duplex).

(c) Multiple dwelling.

(d) Court apartment, boarding house.

(e) Townhouse.

(f) Church.

(g) Schools, public and private (elementary, junior high, senior high).

(h) Public building or structure essential to the physical and economic welfare of the area in which located, such as a fire station, library, substation, pump station, reservoir, provided that each interior side and rear yard shall be a minimum of 25 feet in width. No stockpiling or storage of equipment or materials shall be allowed.

(i) Accessory buildings and structures.

(j) Private parking area.

(k) Private parking garage.

(l) Residential home.

(m) Bed & Breakfast accommodation.

(n) Family day care facility in a permitted residence.

(o) Residential Care Facility, provided, pursuant to ORS 197.667(4), the applicant supplies to the County at the time of application for land use approval a copy of the application and non-confidential supportive documentation for state licensing of the facility.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this chapter of the Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Home Occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or other buildings normally associated with uses permitted under LC 16.230(1) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.230(1) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the



Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, review of the application by the Hearings Official pursuant to LC 14.300 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Sewage treatment plant.

(f) Recreation vehicle park.

(g) Campground or picnic area.

(h) Home occupations meeting the requirements of LC 16.231(3)(b) (RR-RCP Zone).

(i) Clinic.

(j) Day nursery school.

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

(l) Hospital.

(m) Nursing home.

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

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

(4) Special Use Approval Criteria. Uses allowed under LC 16.230(3) above shall comply with following criteria:

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

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

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

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

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

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

(5) Height. (Also see LC 16.250.) No building may extend above the sun exposure plane.

(6) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) No yard or open space provided for the purpose of complying with the regulations of this section shall be used for public or private parking areas or garages, or other accessory buildings.

(c) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the RG-RCP zone.

(7) Density. Where community sewerage facilities are not available, the minimum area required shall be 3,000 square feet per dwelling unit.

(8) Lot Coverage. All structures, excluding garages, carports and parking spaces, shall not occupy more than 30 percent of the gross area of the lot.

(9) Vision Clearance.

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

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(10) Off Street Parking. The number of permanently maintained off street parking spaces required on the site shall be no less than as set forth in the following, and shall be constructed simultaneously with the construction of the applicable permitted zone use. A parking space shall be not less than eight feet wide and 18 feet long, and shall have provisions for ingress and egress. Groups of three or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. No off street parking requirements shall be satisfied within required yard areas.

(a) Residential Types and Parking Space Required.

(i) Dwelling, single-family or two-family - One for each dwelling unit.

(ii) Dwelling, multiple - 1.5 for each dwelling unit; where fractioned, next highest full unit.

(b) Institutional Types and Parking Space Required.

(i) Churches, clubs, lodges - One for every four fixed seats or every eight feet of bench length of every 28 square feet of main auditorium, sanctuary or place of worship, where no permanent seats or benches are maintained.

(ii) Hospitals - One and one-half spaces for each bed; where fractioned, next highest full unit.

(iii) Schools.

(aa) Elementary and junior high schools - One and one half spaces for each teaching station, plus one for every six fixed seats in the auditorium or one for every 42 square feet of seating area, where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(bb) High Schools - One and one half spaces for each teaching station, plus one for every four fixed seats in the auditorium or one for every 28 square feet of seating area where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(iv) Libraries, museums, art galleries . One for each 250 square feet of gross floor area.

(c) Commercial Types and Parking Space Required.

(i) Clinic - One space for every 400 square feet of gross floor area.

(ii) Day Nursery School - One and one-half spaces for each teaching or class station; where fractioned, next highest full unit.

(iii) Nursing homes, group care homes - One space for each two beds.

(11) Signs. Only the following signs shall be permitted in the RG-RCP Zone:

(a) One unlighted nameplate for each dwelling unit, attached flat against the main building, not exceeding 4" x 16" and containing only the names and occupation of the resident of the premises.

(b) One unlighted temporary sign not exceeding six square feet in area, pertaining only to the sale, lease or hire of the particular buildings, property or premises upon which it is displayed.

(c) One unlighted sign for each housing development, not to exceed 20 square feet in area, or five feet in any dimension, and containing no advertising matter, except the name and street address of the development.

(d) Subdivision and directional signs. (See LC 16.259 for permit provision).

(12) Fences and Walls. There shall be erected a masonry wall or wooden fence along the perimeter of all off street parking areas, except along any portion of such parking area immediately adjacent to a building. Such wall or fence shall contain not less than 60 percent solid face surface and not less than 4' 8" in height; setback shall be in accordance with the requirements for this zone; provided no wall or fence required by this section shall project nearer than five feet to any access drive.

(13) Dedication and Improvement of Easements. No building permit shall be issued, and no use of the property not requiring a building permit shall be made, until the applicant for a permit or user of the property has submitted to and has had approved by the Planning Commission the required dedications of streets and other easements within and around the site, and made the required improvements or provided an agreement and bond in lieu of improvements.

(14) Lot Dimensions. (Also see LC 16.250.)

(a) Minimum area - 20,000 square feet.

(b) Minimum width - 100 feet.

(c) Minimum depth - 80 feet.

(d) The minimum area and width requirements shall not apply to either single-family or two-family dwellings established in an RG-RCP zone. Minimum average area and width requirements for single and two-family dwellings are as set forth in LC 16.250.

(15) Telecommunication Towers. Notwithstanding the requirements in LC 16.230(1)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02)*

**RURAL RESIDENTIAL LANDS ZONE (RR-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.231 Rural Residential Lands Zone (RR-RCP).**

(1) Purpose. The purpose of the Rural Residential Zone (RR-RCP) is:

(a) To provide opportunities for people to live in a rural area.  
(b) To allow primary and accessory residential uses, and nonresidential uses which may be compatible with primary residential uses.

(c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed, built upon, or as nonresource land.

(d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) One single-family dwelling, mobile home, or duplex on a legal lot.

(b) A single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner, provided that the minimum average density per residential unit (i.e., residences in relationship to acreages: one, two, five or 10 acres, whichever is specified by the zoning map) is maintained, and proper sanitation approvals are obtained.

(c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:

(i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.

(ii) To qualify as a relative of the existing resident, a person shall be the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the existing resident.

(iii) Satisfactory evidence of the hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the person's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

(iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

(vii) Approval of temporary manufactured dwelling permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Residential home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter or similar and related accessory uses.

- (f) Bed and breakfast accommodation.
- (g) Farm use, subject to conditions and limitations provided herein:
  - (i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
    - (aa) One horse, cow or swine per acre;
    - or
    - (bb) One goat or sheep per half acre.
  - (ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.
  - (iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.
  - (h) Forest uses, including the propagation and harvesting of forest products grown on the property, but not including a primary processing facility.
  - (i) Roadside stand.
  - (j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.
  - (k) Noncommercial dog kennels, subject to conditions and limitations provided herein:
    - (i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
    - (ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.
    - (iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.
    - (iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.
  - (l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:
    - (i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.
    - (ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.
  - (m) Guest house.
  - (n) A mobile home park lawfully existing on a property prior to February 29, 1984.
  - (o) Family day care facility in a permitted residence.
  - (p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (3) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this chapter of Lane Code:
  - (a) One dwelling or mobile home for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit is maintained (i.e., not more than one residence per whatever the area requirement is as specified by the zoning map).

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

(b) Home occupations, subject to the following conditions and annual review:

(i) Will be operated by a resident of the property on which the business is located.

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.231(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.231(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval shall not receive extended approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the applicant and the owner of the property upon which the home occupation is located.

(c) More intensive farm use than those specified in LC 16.231(2)(g) above.

(d) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject to Hearings Official approval pursuant to LC 14.300 and the general provisions and criteria specified by this chapter of Lane Code:

(a) Animal hospitals.

(b) Commercial breeding kennel.

(c) Commercial kennel.

- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste management.
- (p) Stables, riding academies and commercial riding.
- (q) Storage facilities for boats and recreational vehicles.
- (r) Sewage treatment facilities.
- (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.
- (t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.
- (u) An expansion of a mobile home park meeting the requirements of a permitted use under LC 16.231(2)(n) above and which does not exceed 50 percent of the number of mobile home spaces lawfully existing as of February 29, 1984; provided the expansion includes adequate provisions for access to and within the mobile home park and provided adequate provisions are made for sewerage and potable water.
- (v) A mobile home park on property for which a conditional use permit for: a mobile home park had previously been approved by Lane County and not denied on appeal to the State; provided:
  - (i) The previous conditional use permit was approved after January 1, 1982.
  - (ii) The proposed mobile home park is not substantially different than the one previously approved in LC 16.231(4)(v)(i) above.
  - (iii) The application for the proposed mobile home park is received and accepted prior to January 1, 1985.
  - (iv) There are adequate provisions for access to and within the proposed mobile home park and adequate sewerage and potable water.
  - (w) Primary processing facility.
- (5) Conditional Use Criteria. Uses conditionally permitted under LC 16.231(4) above are subject to compliance with the following criteria:
  - (a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.
  - (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.
  - (c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.
- (6) Area. Land within the Rural Residential Zone shall be designated and adopted on the zoning map as RR-1, RR-2, RR-5 or RR-10, and the creation of a parcel or lot shall be subject to compliance with LC Chapter 13 and the following minimum area requirements:
  - (a) RR-1: 1 acre
  - (b) RR-2: 2 acres

- (c) RR-5: 5 acres
- (d) RR-10: 10 acres

(e) In either RR-1, RR-2, RR-5 or RR-10, the minimum acreage may be less than required above and whatever size is necessary to accommodate uses specified in LC 6.231(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28 --Department of Commerce, effective on April 1, 1986.

(d) Class I Stream Riparian Setback Area. The riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

- (f) Height. None
- (g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.231(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird



Habitat protection Standards and Criteria in LC 16.005(4). (Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02)

**DESTINATION RESORT ZONE (DR-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.232 Destination Resort Zone (DR-RCP).**

(1) Purpose. The purpose of the Destination Resort Zone (DR-RCP) is:

(a) To recognize that large-scale, destination oriented, multiuse recreational facilities are appropriate in Lane County.

(b) To implement the policies of the Lane County Rural Area Comprehensive Plan which address Destination Resorts.

(c) To establish a procedure and standards for the development of Destination Resort facilities.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) Living accommodations, including lodges, hotels, motels, cabins, condominiums, single-family and multifamily dwelling units, and structures, such as garages normally subordinate to such accommodations, provided at least 75 percent of the living accommodations shall be for other than year-round residents.

(b) All manner of outdoor and indoor recreational facilities, including, but not limited to, golf courses, tennis courts, swimming pools, racquetball and handball courts, riding stables and trails, nature trails, and pathways for walking/running/bicycling, campgrounds or camps, and parks.

(c) Convention facilities and meeting rooms.

(d) When incidental to and together with the uses described in LC 16.232(2)(a),(b) and (c) above, the following uses;

(i) Restaurants, lounges and nightclubs.

(ii) Theaters and performing arts auditoriums.

(iii) Health clubs, spas and exercise studios.

(iv) Craft and art studios and galleries.

(v) Gift shops and retail convenience stores.

(vi) Kennels as a service to resort guests only.

(vii) Commercial services and speciality shops to provide only for the needs of vacationers and visitors.

(viii) Airport or heliport.

(ix) First aid station or infirmary.

(x) Facilities necessary for utility service.

(xi) Sewer and water treatment plant.

(xii) Farm and forest uses.

(xiii) Personal services.

(e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).

(3) Special Criteria and Conditions. Application for, and decisions concerning, the Destination Resort Zone shall follow the procedures and criteria defined in LC 16.400 for amendments to the Rural Comprehensive Plan. Conditions may be established in the approval of an application for the one, such conditions to be directed toward the zoning itself, the preliminary design of the proposed development or the final design/implementation of the proposed development. A site Review Permit pursuant to LC 16.257 shall be required in all cases, irrespective of other conditions, prior to approval of development on the site. A means of ensuring compliance with such

conditions may be established, such as Letter of Credit, Bond, Assignment of Savings or Contact between the applicant and the County.

(4) Special Siting and Fire/Safety Standards for Structures. All structures within an approved Destination Resort Zone shall adhere to the following:

(a) Setbacks shall comply with LC 16.211(8)(a) of the F-2 zone.

(b) Shall maintain a fuel break 50 feet around each structure, and around the entire developed portion of the proposed development, in forested and agricultural areas where measurable fire hazard exists. Such fuel breaks may contain vegetation of a type which will not readily spread fire, and shall be continually maintained for their intended uses.

(c) Shall incorporate a fire suppression system acceptable to the local fire official and to the County.

(d) Shall incorporate fireproof and fire-resistant materials in structures to the maximum feasible extent.

(5) Other Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Class I Stream Setbacks. No structure other than a fence or sign shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A lesser setback may be allowed if:

(i) The Department of Fish and Wildlife is consulted by the Department at least 10 days prior to issuing a permit for a structure; and

(ii) The riparian vegetation does not actually extend all the way into the 100-foot setback to the location of the proposed structure, and the riparian vegetation has not been removed in violation of the below riparian vegetation maintenance standards; or

(iii) An application for a variance to the above setback standards has been approved pursuant to LC 16.256 with findings of compliance to the Rural Comprehensive Plan policies for the protection of Class I streams and riparian vegetation.

(c) Maintenance, Removal and Replacement of Riparian Vegetation. The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan:

(i) No more of a tract's existing vegetation shall be cleared from the setback and adjacent area than is necessary for a permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.232(5)(c)(i) above. Where vegetation removal beyond that allowed in LC 16.232(5)(c)(i) above cannot be avoided, the site shall be replaced during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Commercial forest practices regulated by the Oregon Forest Practices Act.

(bb) Vegetation removal necessary to provide water access for a water dependent use.

(cc) Removal of dead or diseased vegetation that poses a safety or health hazards.

(dd) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(d) **Development Orientation.** Any commercial, cultural or entertainment services provided as a part of the Destination Resort shall be contained within the development and shall not be oriented to public highways adjacent to the property. The buildings shall be designed to be compatible in appearance with the living accommodations and shall be constructed of similar materials.

(e) **Impact on Adjacent Properties.** A Destination Resort shall not significantly alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the normal permitted uses of the surrounding properties. It shall not force a significant change in or significantly increase the cost of farming or forestry practices on nearby lands devoted to such uses.

(f) **Signs.**

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be flashing or capable of movement.

(iii) Signs shall be of a design compatible with the surrounding natural area.

(iv) Signs shall be limited to 100 square feet in area.

(6) **Area.** The ratio of developed (structures, paved surfaces, facilities) to undeveloped land shall not exceed 50 percent. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

### **HISTORIC STRUCTURES OF SITES COMBINING ZONE (/H-RCP) RURAL COMPREHENSIVE PLAN**

#### **16.233 Historic Structures of Sites Combining Zone (/H-RCP).**

(1) **Purpose.** By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This section is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

(2) **Permit Required.** No person may alter or demolish any Historic Structure or Site, unless a permit to do so has been issued by the Department upon review in accordance with the provisions of this section.

(3) **Issuance of Permits.** An application for a permit to alter or demolish an Historic Structure or Site shall be made by the owner, or his or her authorized agent, in the same manner as provided for in this Chapter for any building permit. The application shall be referred to the Planning Director by the Building and Sanitation Division.

(4) **Planning Director Review.** The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with LC 16.233(5) below. The application shall be processed in the manner provided for in LC 14.100. Prior to rendering a decision, notice

of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.

(5) Criteria.

(a) A permit to demolish a Historic Structure shall be approved only upon submission of evidence that the following criterion is met: Every reasonable effort shall be made to maintain the Historic Structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(b) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(i) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(ii) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

(6) Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(a) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(b) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

(c) All designated buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance should be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## **NATURAL ESTUARY ZONE (NE-RCP) RURAL COMPREHENSIVE PLAN**

### **16.234 Natural Estuary Zone (NE-RCP).**

(1) Purpose. The purpose of the Natural Estuary Zone (NE-RCP) is to assure the protection of significant fish and wildlife habitats and the continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives.

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

- (a) Low intensity recreation which is water dependent.
- (b) Educational and scientific observation.
- (c) Navigational aids.
- (d) Passive estuarine restoration.
- (e) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (f) Low intensity grazing provided the area is a high salt marsh.
- (g) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.

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

(i) Bridge crossings.

(j) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

(a) (i) Uses.

(aa) Communication facilities.

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

(ii) Criteria.

(aa) No fill or dredging is required.

(bb) The use will have minimal impact on natural resources in the area affected by the proposed use. These natural resources are as identified in the Lane County Rural Comprehensive Plan.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

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

(ii) Criteria.

(aa) No dredge or fill is required.

(bb) The use is consistent with the Lane County Rural Comprehensive Plan.

(c) (i) Uses.

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

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

(cc) Installation of tidegates in existing functional dikes.

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

(ii) Criteria.

(aa) The use is consistent with the resource capabilities of the area in that either the impacts of the use on estuarine species, habitats, biological

productivity and water quality are not significant, or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity and values of scientific research and education.

(bb) Substantial public benefit is demonstrated.

(d) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the NE-RCP zone.

(4) Nonconforming Use Exceptions.

(a) Docks and Piers. Actively utilized pier, docks and other structures occupying the water surface by means other than fill existing as of July 1, 1980 may be rebuilt within two years, but not expanded if damaged or destroyed notwithstanding the provisions of LC 16.251 regarding nonconforming uses.

(b) Log Storage. Notwithstanding the provisions of LC 16.251 regarding nonconforming uses, log storage sites in the NE-RCP Zone under lease from the Division of State Lands shall be allowed to continue and be renewed. Leases for storage sites in new areas are prohibited.

(5) Applicable Natural Features. The boundaries of the NE-RCP Zone are determined by the natural estuarine features. The NE-RCP Zone includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. The entire estuarine areas of the Siltcoos River and Berry, Sutton, Big and Tenmile Creeks are within the NE-RCP Zone. These are as defined on the Lane County zoning maps as specified by LC 16.252(8).

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal Permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

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

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

(c) No feasible alternative upland locations exist; and

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

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses which could alter the estuary shall only be allowed if the requirements in LC 16.234(7)(b), (c) and (d) above, are met.

(8) Telecommunication Towers. Notwithstanding LC 16.234(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.234 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02)*

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ARE RESERVED FOR FUTURE EXPANSION**



**CONSERVATION ESTUARY ZONE (CE-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.235 Conservation Estuary Zone (CE-RCP).**

(1) Purpose. The purpose of the Conservation Estuary Zone CE-RCP is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this zone.

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

- (a) Low-intensity, undeveloped recreation which is water dependent.
- (b) Scientific and educational observation.
- (c) Navigational aids, such as beacons and buoys.
- (d) Passive estuarine restoration measures.
- (e) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (f) Natural resource preservation, including protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (g) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.
- (h) Bridge crossings.
- (i) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
- (j) Communication facilities.
- (k) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (l) Boat ramps for public use where no dredging or fill for navigational access is needed.
- (m) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
- (n) Installation of tidegates in existing functional dikes.
- (o) Bridge crossing support structures and dredging necessary for their installation.
- (p) Noncommercial clamming and fishing.
- (q) Low-intensity grazing; provided the area is a high salt marsh and has been so used within the 10 years prior to July 24, 1980.
- (r) Log storage; provided the storage occurs at sites under lease from Division of State Lands on July 24, 1980 and provided all state and federal agency requirements are met.
- (s) The following transportation facilities and uses, provided no filling or dredging is required:
  - (i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
  - (ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.