

other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(iv) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(v) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

(vi) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264; and

(vii) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(j) Publicly owned parks and playgrounds that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;
(ii) Public parks shall include only those uses specified under OAR 660-034-0035; and
(iii) A public park may be established consistently with ORS 195.120.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, uses described in LC 16.212(4)(k) above are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(dd) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period;

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal

cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt; and

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iv) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) **The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).**

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(pii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(qiii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

~~(r) Roads, highways and other transportation facilities, and improvements not otherwise allowed by LC 16.212 and that comply with these requirements:~~

~~(i) Adoption by the Board of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply; or~~

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~~(ii) As allowed by OAR 660, Division 12, subject to the conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065 and LC 16.212(10)(f) through (g) below.~~

(iv) **Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.**

(v) **Park and ride lots.**

(vi) **Railroad mainlines and branchlines.**

(vii) **Pipelines.**

(viii) **Navigation channels.**

(ix) **Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).**

(x) **Replacement of an intersection with an interchange.**

(xi) **Continuous median turn lanes.**

(xii) **New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.**

(xiii) **Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.**

(sp) **Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:**

(i) **LC 16.212(10)(f) through (g) below;**

(ii) **Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture; and**

(iii) **The Director shall provide notice of all applications under this section to the State Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.**

(tq) **Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020 and that comply with these requirements:**

(i) **Uses described in LC 16.212(4)(tq) above are not permitted on high value farm land;**

(ii) **Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(tq)(i) above and (iv) below, lawfully existing facilities described in LC 16.212(4)(tq) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;**

(iii) **Composting facilities allowed on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and**

(iv) **LC 16.212(10)(f) through (g) below.**

(~~ur~~) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses described in LC 16.212(4)(~~ur~~) above shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(ii) Uses allowed by LC 16.212(4)(~~ur~~) above shall not be permitted on high value farm land;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(~~ur~~)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(~~ur~~) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(~~ur~~) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education.

(~~vs~~) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995; and

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety.

(~~wt~~) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(~~wt~~) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65; and

(iii) LC 16.212(10)(f) through (g) below.

(~~xu~~) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(yv) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(~~zw~~) Kennel, Commercial; or Kennel, Commercial Breeding that comply with these requirements:

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(i) Uses described in LC 16.212(4)(zw) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(wz)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(wz) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(a-ax) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(a-ax)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(a-ax)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(a-ax)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(b-by) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(b-by) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

~~(e-ez)~~ Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

~~(d-da-a)~~ Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

~~(e-eb-b)~~ Public or private schools, including all buildings essential to the operation of a school, that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)~~(e-eb-b)~~(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iii) On land that is not high value farmland, new public or private schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

~~(f-fc-c)~~ Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New destination resorts are not permitted on high value farm land.

~~(g-gd-d)~~ A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings for its operation that complies with these requirements:

(i) Uses allowed by LC 16.212(4)~~(g-gd-d)~~ above are not permitted on high value farm land; and

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)~~(g-gd-d)~~(i) above, lawfully existing facilities described in LC 16.212(4)~~(g-gd-d)~~ above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

~~(h-he-e)~~ A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)~~(h-he-e)~~ are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(~~h-h-e~~)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(~~i-if~~-f) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and that comply with these requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(~~j-jg~~-g) Armed forces reserve center, if the center is within one half mile of the main campus of a community college. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility.

(~~k-kg~~-h) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community and that comply with LC 16.212(10)(f) through (g) below.

(~~l-li~~-i) Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "Golf Course" means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course or that provides goods or services customarily provided to golfers at a golf course. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ii) LC 16.212(10)(f) through (g) below;
(iii) Uses allowed by LC 16.212(4)(~~l-h-i~~) above are not allowed on high value farm land;

(iv) Notwithstanding LC 16.212(4)(~~l-h-i~~)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(~~l-h-i~~)(ii) above, but shall not be expanded to contain more than 36 holes.

(~~m-mj~~-j) Commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;
(ii) On high value farm land, the power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(~~m-mj~~-j) above are allowed subject to compliance with ORS 469.504.

(~~n-nk~~-k) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with these requirements:

(i) Allowable uses include:
(aa) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;
(bb) The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;

(cc) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:

(A) A public right of way; or
(B) Other land if the land owner provides written consent and the owner of the facility complies with ORS 215.275(4); and

(dd) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to the land;

(ii) Uses not allowed include:
(aa) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or

(bb) The establishment and use of utility service lines allowed under LC 16.212(3)(r) above; and

(iii) If biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright, and a state or Lane County license, permit or approval in connection with the use is not a land use decision.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) The alteration, restoration, or replacement in the same location of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates the zoning of the subject property;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling shall be sited in the same location as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) In the case of replacement, the new dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling;

(v) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vi) LC 16.212(10)(h) below; and

(vii) Land use approval of a permit described in LC 16.212(5)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(a)(vii) above may be made and approved pursuant to LC 14.700(2).

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling has:

- (aa) intact exterior walls and roof structure;
- (bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (cc) interior wiring for interior lights; and
- (dd) a heating system;

(iii) The dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, shall execute and record in the Lane County deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The release shall be signed by the Director and state that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(iv) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(v) LC 16.212(10)(h) below; and

(vi) Land use approval of a permit described in LC 16.212(2)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(b)(vi) above may be made and approved pursuant to LC 14.700(2).

(c) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below; and

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior

conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(7)(a).

(d) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(ii) The temporary manufactured dwelling or park model recreation vehicle will comply with Oregon Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years;

(ii) Except as permitted in ORS 215.213(1)(r)(1999 Edition) for seasonal farm worker housing, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(b)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling;

or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

(B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings approved under LC 16.212(6)(b)(ii)(cc)(B) above to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required; or

(C) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above.

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

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(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest

assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned a farm or ranch operation that earned \$80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(6)(f)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$80,000 in gross farm income in the last two years or three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland.

The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years or three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

- (vi) LC 16.212(10)(h) and (i) below.
- (c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:
 - (i) The farm operation or woodlot:
 - (aa) Consists of 20 or more acres; and
 - (bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;
 - (ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and
 - (iii) LC 16.212(10)(f) through (i) below.
- (d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(d) above is allowed subject to compliance with the following requirements:
 - (i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;
 - (ii) The lot or parcel where the dwelling will be located:
 - (aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;
 - (bb) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or
 - (cc) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and
 - (iii) LC 16.212(10)(f) through (h) below.
- (e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:
 - (i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;
 - (ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or
 - (iii) The accessory farm dwelling will be located on:
 - (aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:
 - (A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or
 - (B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings

approved under LC 16.212(7)(e)(iii)(bb)(B) above to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(C) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above.

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned a farm or ranch operation that earned \$32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$32,500 in gross farm income in the last two years or three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

(d) <u>Farm Group</u>	<u>Size</u>
Cash grains.....	120 acres
Field crops (includes grass seed production).....	160 acres
Tree fruit and nuts.....	40 acres
Horticultural specialties	20 acres
General farm, primarily crop	320 acres
Extensive animal grazing	120 acres
Intensive animal husbandry	40 acres

Dairy farm.....	240 acres
General farm, primarily livestock.....	80 acres
Berries and grapes.....	20 acres
Vegetables and melons	120 acres

(9) **Area.** Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25.....	25 acres
E-30.....	30 acres
E-40.....	40 acres
E-60.....	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

- Land preparation.
- Ripping and plowing.
- Fencing.
- Surveying.
- Crop cultivation.
- Irrigation.
- Herbicide; fungicide and/or fertilizer application.
- Machinery.
- Accessory farm buildings.
- Breeding and livestock raising concerns.
- Labor.
- Projected expenses associated with the above.

Date by which the farm management plan would be substantially implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

- (i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;
- (ii) Any additional tax imposed for the change in use has been paid; and
- (iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (t), (u), (v), (x), (y), (e-e), (g-g), (i-i), (j-j) and (n-n) above.

(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

- (i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;
- (ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;
- (iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
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(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved under LC 16.212(4)(u) above;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

(i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;

(ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings to be sited upon all other tracts shall be sited as follows:

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

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

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

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

~~(ii) 20 feet from an existing right of way of a State road, County road or a local access public road; 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) Signs.

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

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

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

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(aa) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(bb) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(cc) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located. The Director has the authority to sign for Lane County.

(dd) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) **Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall comply with the following:**

(i) **Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not**

considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

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

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

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02)*

NATURAL RESOURCE ZONE (NR-RCP) RURAL COMPREHENSIVE PLAN

16.213 Natural Resource Zone (NR-RCP).

(1) Purpose. The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

(a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;

(b) Watersheds and their streams or lakes are used for domestic water supplies;

(c) Vegetative cover is essential to maintain soil stability and prevent erosion;

(d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and

(e) Scenic quality or vistas or open space is unique and/or irreplaceable.

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

(a) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.

(i) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable

value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.

(ii) Picnicking areas, day parks and playgrounds.

(iii) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State and Local fish and game regulations) and hiking and horseback riding.

(b) Fish and wildlife habitat management and the propagation of fish and wildlife.

(c) **The following transportation facilities and uses, provided no filling or dredging is required:**

(i) **Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.**

(ii) **Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.**

(3) Special Uses - Director Approval. The following uses are subject to approval by the Director pursuant to LC 14.100:

(a) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker or operator in conjunction with use permitted in the district.

(4) Special Uses - Director Official Approval. The following uses are subject to approval by the Hearings Official pursuant to LC 14.300:

(a) Piers and boat houses.

(b) Single family dwelling or mobile home and accessory structures.

(c) Farm uses as defined by ORS 215.203(2), and any accessory uses.

(d) Forest uses and any accessory uses.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.213(4) above are subject to compliance with the following criteria:

(a) (i) Evidence is provided supporting reasons why the proposed use should be sited in a natural resource area.

(ii) That the proposed site is on land generally unsuitable for natural resource uses.

(b) That the proposed use will not significantly impact natural resource uses on adjacent and nearby natural resource lands, and will not significantly impact natural resources on the site of the proposed uses;

(c) That the proposed use will not significantly increase the costs of natural resource management on adjacent and nearby natural resource lands.

(d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;

(e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby NR zoned lands, and these measures may be established as conditions of approval; and

(f) That the proposed use is consistent with the policies contained in the Rural Comprehensive Plan and the purpose of the NR zone.

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

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

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

~~(ii) 20 feet from an existing right-of-way of a State road, County road or a local access public road; and~~

(iii) 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 a wetland or from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within wetlands or within the riparian setback area 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)*

MARGINAL LANDS ZONE (ML-RCP) RURAL COMPREHENSIVE PLAN

16.214 Marginal Lands Zone (ML-RCP).

(1) Purpose. The Marginal Lands Zone (ML-RCP) is intended to:

(a) Provide an alternative to more restrictive farm and forest zoning.

(b) Provide opportunities for persons to live in a rural environment and to conduct intensive or part-time farm or forest operations.

(c) Be applied to specific properties consistently with the requirements of ORS 197.005 to 197.430 and the policies of the Lane County Rural Comprehensive Plan.

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

(a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.

(b) A dwelling or mobile home on a vacant legal lot pursuant to the requirements of LC 16.214(6) below.

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

(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.

(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.

(iii) Satisfactory evidence of the family member's hardship is furnished which shall include:

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

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

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

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

(vi) The temporary mobile home will comply with sanitation and building code requirements.

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

(d) Part-time farms.

(e) Woodlots.

(f) Intensive farm or forest operations, including, but not limited to, farm use.

(g) Nonresidential buildings customarily provided in conjunction with farm use.

(h) Public or private schools, including all buildings essential to the operation of a school.

(i) Churches.

(j) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for use by public sale.

(k) Operations for the exploration of geothermal resources as defined by ORS 522.005.

(l) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment and facilities or buildings necessary for its operation.

(m) The propagation or harvesting of a forest product.

(n) Community centers owned and operated by a governmental agency or a nonprofit organization, hunting and fishing preserves, parks, playgrounds and publicly owned campgrounds.

(o) Personal-use airport for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

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

(3) Uses Subject to Director Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, and approval of the application pursuant to LC 14.100 and compliance with the criteria and provisions of this Chapter of Lane Code.

(a) Privately owned campgrounds.

(b) Golf courses.

(c) Commercial utility facilities for the purpose of generating power for public use by sale.

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

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

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

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.214(2) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.214(2) above.

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

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

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

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

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(f) The boarding of horses for profit.

(g) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.

(h) Commercial activities that are in conjunction with farm use.

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

(4) Criteria for Director Approval. Uses specified in LC 16.214(3) and (4) may be allowed if found to comply with the following criteria:

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

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

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

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

(5) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300 and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:

(a) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate or other mineral resources or other subsurface resources.

(6) Area. Land in a Marginal Land zone may be divided as follows:

(a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F- 1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197.

(b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197.

(c) A parcel of any size necessary to accommodate any of the nonresidential uses identified in LC 16.214(2)(h),(i),(j),(l) and (n) and LC 16.214(3)(a), (c),(f) and (g).

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

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

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

~~(ii) 20 feet from an existing right-of-way of a State road, County road or a local access public road; and~~

(iii) 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 Comprehensive Plan must comply with other provisions of LC 16.253(2).

(d) Height. None.

(e) Signs.

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

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

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

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

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.214(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-91, 11.12.92; 4-02, 4.10.02)*

PARK AND RECREATION ZONE (PR-RCP) RURAL COMPREHENSIVE PLAN

16.215 Park and Recreation Zone (PR-RCP).

(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:

(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

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

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

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(d) Farm use.

(e) Towers and fire stations for forest fire protection.

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(h) **The following transportation facilities and uses:**

(i) **Climbing and passing lanes within the right of way existing as of July 1, 1987.**

(ii) **Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.**

(iii) **Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.**

(iv) **Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.**

(v) **Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.**

(vi) **Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.**

(vii) **Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.**

(viii) **Changes in the frequency of transit, rail and airport services.**

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100. The uses in LC 16.215(23)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Private hunting and fishing operations without any lodging accommodations.

(b) Caretaker residences for public parks and fish hatcheries.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Aids to navigation and aviation.

(f) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

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(g) ~~Public road and highway projects described as follows:~~ **The following transportation facilities and uses:**

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(iv) **Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.**

(v) **Park and ride lots.**

(vi) **Railroad mainlines and branchlines.**

(vii) **Pipelines.**

(viii) **Navigation channels.**

(ix) **Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).**

(x) **Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.**

(xi) **Subject to LC 16.215(10)(h), continuous median turn lanes.**

(xii) **Subject to LC 16.215(10)(h), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.**

(xiii) **Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.**

(h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.

(i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(l) Temporary portable facility for the primary processing of forest products.

(m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

~~(n) Widening of roads within existing rights of way in conformance with the transportation element of the applicable comprehensive plan including the following public road and highway projects:~~

~~(i) Climbing and passing lanes within the right of way existing as of July 1, 1987.~~

~~(ii) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result.~~

~~(iii) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~

~~(iv) Minor betterment of existing public roads and highway-related facilities, such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.~~

~~(en) Uninhabitable structures accessory to fish and wildlife enhancement.~~

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.

(b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

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16.215(3). (a) Any of the uses permitted within the above LC 16.215(2) or LC

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

(f) Gymnasium or athletic club.

(g) Yachting clubs.

(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.

(j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

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

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to 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 ~~planned~~ right-of-way of a State road, County road or a local access public road specified in Lane Code Chapter 15; and

~~(ii) 20 feet from an existing right of way of a State road, County road or a local access public road; and~~

(iii) 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:

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

~~(bb) 20 feet from an existing right-of-way of a state road, County road or a local access public road; and~~

(eebb) 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:

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(ii) 20 feet from an existing right-of-way of a State road, County road or a local access public road; and~~

(iii) 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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**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,

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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 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 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.

(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

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(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 ~~planned~~ right-of-way of a State road, County road or a local access public road specified in ~~Lane Code~~ Chapter 15; and

~~(ii) 20 feet from an existing right-of-way of a State road, County road or a local access public road; and~~

(iii) 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 ~~planned~~ right-of-way of a state road, County road or a local access public road specified in Lane Code Chapter 15; ~~and~~

~~(ii) 20 feet from an existing right of way of a state road, County road or a local access public road if no planned right of way is specified in Lane Code Chapter 15; and~~

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

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(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.

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

(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 ~~planned-right-of-way~~ of a state road, County road or a local access public road specified in Lane Code Chapter 15; ~~or and~~

~~(ii) 20 feet from an existing right of way of a state road, County road or a local access public road if no planned right of way is specified in Lane Code Chapter 15; and~~

(iii) 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 ~~planned~~ right-of-way of a state road, County road or a local access public road specified in Lane Code Chapter 15; ~~or and~~
 - ~~(ii) 20 feet from an existing right of way of a state road, County road or a local access public road if no planned right of way is specified in Lane Code Chapter 15; and~~
 - (iii) 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.