

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

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

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

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

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

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

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

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

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

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

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

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

(i) 20 feet from the ~~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 or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

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

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

- (d) Heights. Maximum height of any structure shall be 45 feet.
- (e) Signs.
  - (i) Signs shall not extend over a public right-of-way or project beyond the property line.
  - (ii) Signs shall not be flashing or capable of movement.
  - (iii) Signs shall be limited to 200 square feet in area.
  - (iv) No sign shall project above the height of the tallest structure on the property.
- (f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(6) Telecommunication Towers. Notwithstanding the requirements in LC 16.223(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02)*

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

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

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

- (a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.
- (b) Administrative and sale offices incidental to and directly related to the operation of industrial or commercial uses permitted in this zone.
- (c) Single-family dwelling or mobile home for residential purposes for watchman, caretaker or operator to be located on the premise of the associated use.
- (d) Kennel; provided the following conditions are satisfied:
  - (i) The maximum number of dogs over four months of age shall be eight.
  - (ii) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
  - (iii) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.
- (e) Laboratories, research and testing.
- (f) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of electronic devices, electro-mechanical components, optics, testing equipment.

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

(h) Outdoor advertising.

(i) Storage buildings for household or consumer goods.

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

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

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

(i) Purpose and intent of this District.

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

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

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

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

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

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

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

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

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

(a) Aircraft landing field or heliport in conjunction with a use permitted in this zone.

(b) Banks.

(c) Barbershop, beauty shop.

(d) Building maintenance service.

(e) Carnival, circus.

(f) Convenience grocery store (maximum of 2,000 square feet).

(g) Correctional institution, jail, penal farm.

(h) Credit union office.

(i) Garbage dump, garbage transfer facility.

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

(k) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.

(l) Other uses similar to permitted uses in this zone; provided that:

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

(ii) Items manufactured, assembled, processed or produced in area shall be for wholesale.

(m) Public and private parking areas and garages.

(n) Radio and television stations, radio and television towers; facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.

(o) Restaurants, taverns.

(p) Rock, sand, gravel and loam excavations, with incidental processing.

(q) Service stations.

(r) Sewage treatment facilities.

(s) Expansion of a lawful preexisting use in excess of that allowed as a permitted use.

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

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

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

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

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

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

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

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

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

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

(i) 20 feet from the ~~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) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-1, RCP Zone.

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

(6) Vision Clearance.

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

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

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

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

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

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

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

- (a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.
- (b) Any use permitted in the M-1, RCP Zone (LC 16.224(2)).
- (c) Bottling works, including alcoholic beverages.
- (d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.
- (e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.
- (f) Feed and seed store.
- (g) Freighting and trucking yards or terminal.
- (h) Mobile home sales and repairs.
- (i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- (j) Lumberyards and building material sales.
- (k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.
  - (l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.
  - (m) Moving equipment rental, parcel delivery plant.
  - (n) Poultry or rabbit killing, incidental to a retail trade on the same premises.
  - (o) Tire recapping.
  - (p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and

otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

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

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

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

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

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 20 feet from the ~~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) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-2, RCP Zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(i) 20 feet from the ~~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) The Class I Stream Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-3, RCP Zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 20 feet from the ~~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~~

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

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

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

(e) Height. None.

(f) Signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Residential Home.

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

(f) Bed and breakfast accommodation.

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

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

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

or,

(bb) One goat or sheep per half acre.

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

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

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

(i) Roadside stand.

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

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

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

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

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

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

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

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

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

(m) Guest house.

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

(o) Noncommercial kennel.

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

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

(3) Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal of an application pursuant to LC 14.050 and subject

to Director approval of such application pursuant to LC 14.100 and the general provisions and criteria specified by this Chapter of Lane Code:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Animal hospitals.

(b) Commercial breeding kennel.

(c) Commercial kennel.

- (d) Campgrounds, camping vehicle parks, tourist parks.
  - (e) Cemeteries, human or animal.
  - (f) Churches.
  - (g) Group care home.
  - (h) Day care nurseries.
  - (i) Golf courses.
  - (j) Lodges and grange halls.
  - (k) Nursing homes.
  - (l) Parks, playgrounds, community centers.
  - (m) Public and private schools.
  - (n) Radio and television transmission facilities.
  - (o) Solid waste disposal facilities.
  - (p) Stables, riding academies and commercial riding.
  - (q) Storage facilities for boats and recreational vehicles.
  - (r) Sewage treatment facilities.
  - (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.
  - (t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.
  - (u) Mobile home parks.
  - (v) Amusement park, carnival or circus.
  - (w) Correctional institution.
  - (x) Garbage dump, sanitary landfill or solid waste management.
  - (y) Jail or penal farm.
  - (z) Race track.
  - (a-a) Sewage treatment plant.
  - (b-b) Boarding of horses for profit.
  - (c-c) Primary processing facility.
- (5) Hearings Official Approval Criteria. Uses identified in LC 16.229(4) above must comply with the following criteria:
- (a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.
  - (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.
  - (c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.
  - (d) Where necessary, adequate provisions for access, sewerage and potable water would be provided for the intended use.
- (6) Area. The creation of a parcel or lot for RA zoned property shall be subject to the following minimum area requirements:
- (a) Where a community sewerage system and community water system is available, the minimum area requirement shall be 10,000 square feet.
  - (b) Where an on-site sewage disposal system and community water system is available, the minimum area requirement shall be 20,000 square feet.
  - (c) Where an individual water system and on-site sewage disposal system is available, the minimum area requirement shall be one acre.
  - (d) In all cases, an approved means of sewerage must be obtained.
  - (e) There is no minimum lot size for a parcel to accommodate uses allowed by LC 16.229(2)(j) above.
- (7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

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

(i) 20 feet from the ~~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~~

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

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

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

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

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

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

(g) **Signs.**

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

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

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

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

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

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

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

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

- (a) Single-family dwelling.
- (b) Two family dwelling (duplex).
- (c) Multiple dwelling.
- (d) Court apartment, boarding house.
- (e) Townhouse.
- (f) Church.
- (g) Schools, public and private (elementary, junior high, senior high).
- (h) Public building or structure essential to the physical and economic welfare of the area in which located, such as a fire station, library, substation, pump station, reservoir, provided that each interior side and rear yard shall be a minimum of 25 feet in width. No stockpiling or storage of equipment or materials shall be allowed.
- (i) Accessory buildings and structures.
- (j) Private parking area.
- (k) Private parking garage.
- (l) Residential home.
- (m) Bed & Breakfast accommodation.
- (n) Family day care facility in a permitted residence.
- (o) Residential Care Facility, provided, pursuant to ORS 197.667(4), the applicant supplies to the County at the time of application for land use approval a copy of the application and non-confidential supportive documentation for state licensing of the facility.
- (p) **Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).**

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

- (a) Home Occupations, subject to the following conditions and annual review:
  - (i) Will be operated by a resident of the property on which the business is located.
  - (ii) Will employ no more than five full or part-time persons.
  - (iii) Will be operated in a dwelling or other buildings normally associated with uses permitted under LC 16.230(1) above.
  - (iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.
  - (v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.230(1) above.
  - (vi) Will comply with sanitation and building code requirements.
  - (vii) Will not be used as justification for a zone change.
  - (viii) Will comply with any additional conditions of approval.
  - (ix) Approved applications for home occupations shall be valid until December 31 of the year the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as



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

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

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

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

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Sewage treatment plant.

(f) Recreation vehicle park.

(g) Campground or picnic area.

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

(i) Clinic.

(j) Day nursery school.

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

(l) Hospital.

(m) Nursing home.

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

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

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

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

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

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

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

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

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

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

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

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

(i) 20 feet from the ~~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) No yard or open space provided for the purpose of complying with the regulations of this section shall be used for public or private parking areas or garages, or other accessory buildings.

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

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

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

(9) Vision Clearance.

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

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

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

(a) Residential Types and Parking Space Required.

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

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

(b) Institutional Types and Parking Space Required.

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

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

(iii) Schools.

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

(bb) High Schools - One and one half spaces for each teaching station, plus one for every four fixed seats in the auditorium or one for every 28

square feet of seating area where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

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

(c) Commercial Types and Parking Space Required.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Minimum width - 100 feet.

(c) Minimum depth - 80 feet.

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

(15) Telecommunication Towers. Notwithstanding the requirements in LC 16.230(1)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Residential home.

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

o (f) Bed and breakfast accommodation.

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

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

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

or

(bb) One goat or sheep per half acre.

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

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

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

(i) Roadside stand.

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

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

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

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

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

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

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

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

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

(m) Guest house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Animal hospitals.

(b) Commercial breeding kennel.

(c) Commercial kennel.

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

(e) Cemeteries.

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

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

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

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

(i) 20 feet from the ~~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) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

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

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

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

(f) Height. None

(g) Signs.

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

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

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

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

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.231(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02)*



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

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

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

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

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

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

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

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

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

(c) Convention facilities and meeting rooms.

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

(i) Restaurants, lounges and nightclubs.

(ii) Theaters and performing arts auditoriums.

(iii) Health clubs, spas and exercise studios.

(iv) Craft and art studios and galleries.

(v) Gift shops and retail convenience stores.

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

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

(viii) Airport or heliport.

(ix) First aid station or infirmary.

(x) Facilities necessary for utility service.

(xi) Sewer and water treatment plant.

(xii) Farm and forest uses.

(xiii) Personal services.

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

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

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

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

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

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

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

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

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

(i) 20 feet from the ~~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 Setbacks. No structure other than a fence or sign shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A lesser setback may be allowed if:

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

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

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

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

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

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

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

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

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

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

demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(b) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(i) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(ii) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

(6) Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(a) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(b) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

(c) All designated buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance should be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## **NATURAL ESTUARY ZONE (NE-RCP) RURAL COMPREHENSIVE PLAN**

### **16.234 Natural Estuary Zone (NE-RCP).**

(1) Purpose. The purpose of the Natural Estuary Zone (NE-RCP) is to assure the protection of significant fish and wildlife habitats and the continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives.

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

- (a) Low intensity recreation which is water dependent.
- (b) Educational and scientific observation.
- (c) Navigational aids.
- (d) Passive estuarine restoration.
- (e) Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (f) Low intensity grazing provided the area is a high salt marsh.
- (g) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (h) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.

(i) Bridge crossings.

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

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

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

(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

(a) (i) Uses.

(aa) Communication facilities.

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

(ii) Criteria.

(aa) No fill or dredging is required.

(bb) The use will have minimal impact on natural resources in the area affected by the proposed use. These natural resources are as identified in the Lane County Rural Comprehensive Plan.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

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

(ii) Criteria.

(aa) No dredge or fill is required.

(bb) The use is consistent with the Lane County Rural Comprehensive Plan.

(c) (i) Uses.

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

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

(cc) Installation of tidegates in existing functional dikes.

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

(ii) Criteria.

(aa) The use is consistent with the resource capabilities of the area in that either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity and values of scientific research and education.

(bb) Substantial public benefit is demonstrated.

(d) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the NE-RCP zone.

(4) Nonconforming Use Exceptions.

(a) Docks and Piers. Actively utilized pier, docks and other structures occupying the water surface by means other than fill existing as of July 1, 1980 may be rebuilt within two years, but not expanded if damaged or destroyed notwithstanding the provisions of LC 16.251 regarding nonconforming uses.

(b) Log Storage. Notwithstanding the provisions of LC 16.251 regarding nonconforming uses, log storage sites in the NE-RCP Zone under lease from the Division of State Lands shall be allowed to continue and be renewed. Leases for storage sites in new areas are prohibited.

(5) Applicable Natural Features. The boundaries of the NE-RCP Zone are determined by the natural estuarine features. The NE-RCP Zone includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. The entire estuarine areas of the Siltcoos River and Berry, Sutton, Big and Tenmile Creeks are within the NE- RCP Zone. These are as defined on the Lane County zoning maps as specified by LC 16.252(8).

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal Permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

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

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

(c) No feasible alternative upland locations exist; and

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

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses which could alter the estuary shall only be allowed if the requirements in LC 16.234(7)(b), (c) and (d) above, are met.

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

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Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02)*

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ARE RESERVED FOR FUTURE EXPANSION |

**CONSERVATION ESTUARY ZONE (CE-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.235 Conservation Estuary Zone (CE-RCP).**

(1) Purpose. The purpose of the Conservation Estuary Zone CE-RCP is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this zone.

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

- (a) Low-intensity, undeveloped recreation which is water dependent.
- (b) Scientific and educational observation.
- (c) Navigational aids, such as beacons and buoys.
- (d) Passive estuarine restoration measures.
- (e) Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
- (f) Natural resource preservation, including protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (g) Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values and public facilities.
- (h) Bridge crossings.
- (i) Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
- (j) Communication facilities.
- (k) Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
- (l) Boat ramps for public use where no dredging or fill for navigational access is needed.
- (m) Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
- (n) Installation of tidegates in existing functional dikes.
- (o) Bridge crossing support structures and dredging necessary for their installation.
- (p) Noncommercial clamming and fishing.
- (q) Low-intensity grazing; provided the area is a high salt marsh and has been so used within the 10 years prior to July 24, 1980.
- (r) Log storage; provided the storage occurs at sites under lease from Division of State Lands on July 24, 1980 and provided all state and federal agency requirements are met.
- (s) **The following transportation facilities and uses, provided no filling or dredging is required:**
  - (i) **Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.**
  - (ii) **Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.**



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(3) Special Uses Approved by the Director. The following specified uses and no others are permitted, subject to approval by the Director pursuant to LC 14.100. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an impact assessment as set forth in LC 16.249.

(a) (i) Uses. Private single-family, single-purpose piers or docks.  
(ii) Criteria and Conditions.  
(aa) The use will have minimal adverse impact on natural resources in the area affected by the proposed use. The resources are as identified in the Lane County Rural Comprehensive Plan.

(bb) The use is compatible with requirements of adjacent shorelands' Rural Comprehensive Plan designation.

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

(dd) The size and design of the structure is limited to that required for the intended use.

(b) (i) Uses. New or expanded log storage sites not otherwise provided for in LC 16.235(2)(r) above.

(ii) Criteria and Conditions.  
(aa) Water storage is integral to continued operation of the associated wood processing facility.

(bb) There are no feasible upland alternatives.

(cc) The log storage operation meets Department of Environmental Quality Standards for log storage.

(dd) The use is not proposed at sites which have long-established use for public recreation such as a boat launching site or a marina site.

(ee) Public need is demonstrated.

(c) (i) Uses.  
(aa) Public docks and piers.  
(bb) Private multifamily docks and piers.  
(cc) Mooring buoys which are permanently anchored to estuary floor.

(dd) Dolphins.

(ii) Criteria and Conditions. The use will have minimal impact on natural and recreational resources in the area affected by the proposed use. The resources are as identified in the Lane County Rural Comprehensive Plan.

(d) (i) Uses.  
(aa) Boat launching ramps.  
(bb) Public beaches requiring estuarine modification.  
(cc) Minor dredging to improve navigability.

(ii) Criteria and Conditions.  
(aa) An estuarine location is required.  
(bb) No alternative locations exist which are designated as Development in the Lane County Rural Comprehensive Plan.

(cc) Adverse impacts on resources are minimized. These resources are as identified in the Lane County Rural Comprehensive Plan.

(dd) No alternative shoreland locations exist for the portions of the use requiring fill.

(ee) Public need is demonstrated.

(e) (i) Uses. Erosion control structure, including, but not necessarily limited to, seawalls, bulkheads, groins and jetties.

(ii) Criteria.  
(aa) The criteria and conditions specified under Special Uses, LC 16.235(3)(d)(ii)(aa)-(ee) above are met.

- (bb) The use being protected is water dependent.
- (cc) Adverse impacts on water currents, erosion and accretion patterns are minimized as much as feasible.
- (dd) Nonstructural solutions are inadequate to protect the use.
- (f) (i) Uses. Active estuarine restoration involving dredge or fill.
  - (ii) Criteria.
    - (aa) Public need is demonstrated.
    - (bb) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.
    - (cc) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original Conditions.
- (g) (i) Uses Riprap and associated minor fills to protect preexisting structures or specified values.
  - (ii) Criteria.
    - (aa) The use is required to protect human-made structures existing prior to October 7, 1977 or critical wildlife habitat in adjacent shorelands as identified in the Lane County Rural Comprehensive Plan.
    - (bb) Natural bank stabilization measures are inadequate.
- (h) (i) Uses.
  - (aa) High-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas.
  - (bb) Aquaculture requiring dredge and/or fill or other alteration of the estuary.
  - (cc) Minor navigational improvements.
  - (dd) Mining and mineral extraction, including dredging necessary for mineral extraction.
  - (ee) Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill.
- (ii) Criteria and Conditions.
  - (aa) The criteria and conditions listed under Special Uses LC 16.235(3)(d)(ii)(aa)-(ee) above are met.
  - (bb) The use is consistent with the resource capabilities of the area as measured by the following definition: a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or it is documented that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.
  - (cc) Associated land uses, if any, on adjacent shorelands comply with applicable Lane County land use and zoning regulations.
- (i) (i) Uses. Temporary alterations.
  - (ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:
    - (aa) That the short-term damage to resource is consistent with resource capabilities of the area; and
    - (bb) That the area and affected resources can be restored to their original condition.
    - (cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the CE-RCP zone.

(4) Applicable Natural Features. The boundaries of the CE-RCP Zone are defined by natural features. The CE-RCP Zone includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; those not included in the Natural Estuary Zone (NE-RCP). This zone also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as defined on the Lane County zoning maps as specified by LC 16.252(9).

(5) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal Permit, lease, easement or similar type of authorization.

(6) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

(a) The use is required for navigation or is otherwise water dependent and requires an estuarine location, or is specifically allowed by the CE-RCP zone; and

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

(c) No feasible alternative upland locations exist; and

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

(e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in LC 16.235(6)(b), (c) and (d) above are met.

(7) Telecommunication Towers. Notwithstanding LC 16.235(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.235 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02)*

## DEVELOPMENT ESTUARY ZONE (DE-RCP) RURAL COMPREHENSIVE PLAN

### 16.236 Development Estuary Zone (DE-RCP).

(1) Purpose. The primary purpose of the Development Estuary Zone DE-RCP is to provide for navigational needs and public, commercial and industrial water dependent uses which require an estuarine location. Uses which are water related or non-water dependent, non-related which do not damage the overall integrity of estuarine

resources and values should be considered; provided they do not conflict with the primary purpose of the zone.

(2) Permitted Uses. In the DE-RCP Zone, the following types of uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exception set forth in this Chapter; provided that no such use may be permitted which involves dredging or filling of the estuary.

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

- (i) Navigational aides.
- (ii) Maintenance dredging of navigation channel.

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

- (i) Marine fueling facilities.
- (ii) Marinas.
- (iii) Loading and unloading facilities such as piers or docks.

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

- (i) Marine construction and repair facilities.
- (ii) Log storage.

(d) The following public facilities which are water dependent.

- (i) Marinas.
- (ii) Docks and piers and other moorages.
- (iii) Boat launching ramps.

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

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

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

(3) Special Uses Approved by the Planning Director. The following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria. A Resource Capability Determination is required as set forth in LC 16.248, except for major projects requiring an Impact Assessment as set forth in LC 16.249.

(a) (i) **Uses**. Any water dependent use not specifically authorized in LC 16.236(2) above; provided that no such use may be permitted which involves dredging or filling of the estuary.

(ii) **Criteria**. The use is water dependent.

(b) (i) **Uses**. Flow-lane disposal of dredged material.

(ii) **Criteria**. Such action shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.

(c) (i) **Uses**. Flood and erosion control structures, including, but not necessarily limited to, jetties, seawalls, groins and bulkheads.

(ii) **Criteria and Conditions**.

(aa) The criteria specified in LC 16.236(4) below are met.

(bb) The structures are designed and sited to minimize erosion and human-induced sedimentation in adjacent areas.

||At right margin indicates changes

**Bold** indicates material being added

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(cc) The structures are designed and sited to minimize adverse impacts on water currents, water quality and fish and wildlife habitat.

(dd) The use or uses to be protected by the proposed structures are water dependent.

(d) (i) Uses. Riprap and associated minor fills to protect human-made structures existing prior to October 7, 1977.

(ii) Criteria and Conditions. Natural bank stabilization measures are inadequate.

(e) (i) Uses. All other uses; provided no dredging or filling is required.

(ii) Criteria.

(aa) A public need is demonstrated.

(bb) The use will not irrevocably limit future use of the area for water dependent commercial or industrial facilities.

(cc) The use will have minimal impact on resources, as identified in the Lane County Rural Comprehensive Plan, in the area affected by the proposed use.

(f) (i) Uses.

(aa) Low-intensity recreation which is water dependent.

(bb) Scientific and educational observation.

(cc) Active estuarine restoration.

(dd) Aquaculture.

(ee) Communication facilities.

(ff) Bridge crossing support structures.

(ii) Criteria and Conditions .

(aa) The criteria specified in LC 16.236(4) below are met for any use or activity requiring dredge or fill.

(bb) The use or activity will not irrevocably limit the future or present use of the area for water dependent commercial or industrial facilities.

(cc) The location and actions proposed for restoration measures are adequate to achieve the stated restoration objective. Restoration objectives shall set forth the original conditions to be restored and the cause of the loss or degradation.

(dd) Any restoration action related to the distribution and abundance of relevant amenities and attributes (e.g., long-term environmental, social or economic values) that have been lost or diminished shall be consistent with the original conditions.

(g) (i) Uses. Any uses specified in LC 16.236(2) above which involve dredging or filling of the estuary.

(ii) Criteria. The criteria specified in LC 16.236(4) below.

(h) (i) Uses. Temporary alterations.

(ii) Criteria. A resource capabilities test shall be applied to temporary alteration proposals to ensure:

(aa) That the short-term damage to resource is consistent with resource capabilities of the area; and

(bb) That the area and affected resources can be restored to their original condition.

(cc) The proposed alteration is otherwise in compliance with and in support of uses allowed by the DE-RCP zone.

(4) Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria:

- (a) The use is required for navigation or is otherwise water dependent, and requires an estuarine location, or is specifically allowed by the DE-RCP zone; and
- (b) A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
- (c) No feasible alternative upland locations exist; and
- (d) Adverse impacts on identified estuarine values are minimized.
- (e) Mitigation requirements of ORS 541.605 to 541.695 are met.

Other uses and activities which could alter the estuary shall only be allowed if the requirements of LC 16.236(4)(b), (c) and (d) above are met.

(5) Applicable Physical, Geographical or Natural Features. The DE-RCP Zone is designed to apply to navigation channels, subtidal areas for in-water disposal of dredged material, major navigational appurtenances, deep water areas adjacent to the shoreline and areas of minimal biological significance needed for uses requiring alteration of the estuary. These are as defined on the Lane County zoning maps as specified by LC 16.252(9).

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

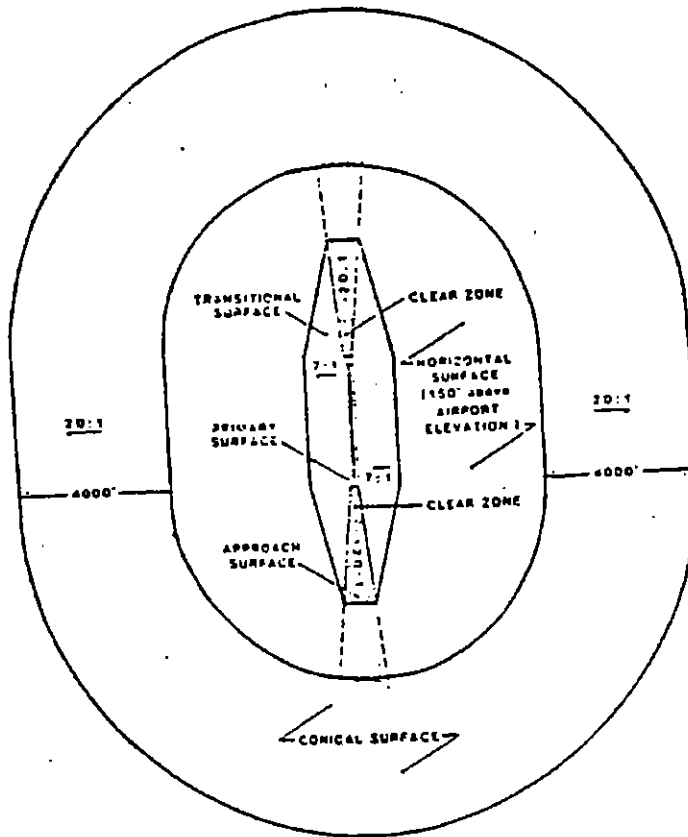
(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(7) Telecommunication Towers. Notwithstanding LC 16.236(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, LC 16.236 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 4-02, 4.10.02)*

**SIGNIFICANT NATURAL SHORELANDS COMBINING ZONE (/SN-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.237 Significant Natural Shorelands Combining Zone (/SN-RCP).**

(1) Purpose. The Significant Natural Shorelands Combining Zone /SN-RCP is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing a combination of unique physical, social or biological characteristics requiring protection from intensive human disturbances. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /SN-RCP Zone is applied to prominent aesthetic features, such as



**AIRPORT OPERATIONS ZONE (AO-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.247 Airport Operations Zone (AO-RCP).**

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

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

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

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

(c) Air cargo warehousing and distribution facilities.

(d) Aerial mapping and surveying.

(e) Aircraft or aircraft component manufacturing or assembly.

- (f) Aircraft related research and testing.
- (g) Aircraft sales, repair, service and storage.
- (h) Schools relating to aircraft operations.
- (i) Public parking and/or auto storage.
- (j) Aircraft or air transportation business or professional uses.
- (k) Aviation clubs.
- (l) Auto rental agencies.
- (m) Hotels and motels.
- (n) Restaurants.
- (o) Taxi, bus and truck terminals.
- (p) Environmental monitoring and enforcement agencies.
- (q) General farming, including the growing of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed and similar food and fiber products.
- (r) Pastures and grazing.
- (s) Forest or open land preserves.
- (t) Game and fish preserves.
- (u) Accessory buildings normally required in connection with a use as specified in this subsection.
- (v) Public and semipublic buildings, structures and uses essential to the physical and economic welfare of an area.

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

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

- (a) Conformity with the Rural Comprehensive Plan for Lane County.
- (b) The location, size, design and operating characteristics of the proposed use:

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

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

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

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

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

(6) Setback Requirements.

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



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

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

(8) Area.

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

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

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

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

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

(ii) Boundaries indicated as approximately following property lines shall be construed as following such property lines.

(iii) Boundaries indicated as approximately following the city limits shall be construed as following such city limits.

(iv) Boundaries indicated as following railroad lines and public utility shall be construed to be a midway between the main tracks or utility easements, whichever is applicable.

(v) Boundaries indicated as parallel to or extensions of features indicated in LC 16.252(9)(b)(i) through (iv) above shall be so construed.

(vi) Boundaries indicated as following shorelines shall be construed as following the ordinary low waterline, except where the body of water is specifically zoned Natural Estuary (/NE RCP), Conservation Estuary (/CE-RCP) or Development Estuary (/DE, RCP) Zones in which case the boundary shall be construed as following the ordinary high waterline. In the event of a change of high or low waterline, the boundary will follow that line no matter how it shifts.

(vii) Where zones are separated by a body of water, the boundary between the zones shall be construed as being the centerline of such body of water. No matter how such centerline may shift, the boundary shall remain the centerline as shifted.

(viii) Except as hereinafter noted, where a zoning boundary divides an ownership of property, unless the same is indicated by dimensions, map coordinates, or digitized boundary or similar notation, the boundary shall be determined by the use of the scale appearing on the Zoning Map. In case of the /SN-RCP; /PW-RCP; /NRC-RCP; /RD-RCP; /MD-RCP; /DMS-RCP and /BD-RCP Combining Zones, and the /NE-RCP; /CE-RCP and /DE-RCP Zones, the boundaries shall be determined through interpretation of the Coastal Resources Management Plan.

(ix) Where physical features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by LC 16.252(8)(b)(i) through (viii) above, the Planning Commission shall interpret the zone boundaries.

(10) Treatment of Vacated Property. Where a public street or alley is officially vacated, the Zone requirements applicable to the property to which the vacated area becomes a part shall apply to the vacated property.

(11) Error in Legal Description. Notwithstanding any other provision in this chapter, where the sole basis for a zoning or rezoning, whether initiated by Application, the Planning Commission or the Board, is in error in a legal description, if applicable in the Ordinance or Order zoning or intended to zone the property, the zoning or rezoning shall be referred to the Planning Director for investigation and a report. After such investigation and report, the zoning or rezoning shall be considered in accordance with the procedures for hearings provided in LC 16.252(5) and (6) above. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## **CLASS I STREAM RIPARIAN REGULATIONS**

### **RURAL COMPREHENSIVE PLAN**

#### **16.253 Class I Stream Riparian Regulations.**

(1) Purpose. The purpose of the Class I Stream Riparian Regulations is to implement the Goal 5 Flora and Fauna policies and the Goal 6 Water Resources policies of the Lane County Rural Comprehensive Plan.

(2) Removal of Vegetation Within the Riparian Setback Area. The following standards shall apply to the maintenance, removal, destruction and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan. For purposes of LC 16.253(2)(b)(i) and (iii) below, Resource Zones shall be: LC 16.210 (F-1); LC 16.211

(F-2); LC 16.212 (EFU); LC 16.213 (NR); LC 16.214 (ML); LC 16.215 (PR); LC 16.216 (QM); LC 16.227 (IWC); and LC 16.232 (DR). For purposes of LC 16.253(2)(b)(i) and (iii) below, Nonresource Zones shall be: LC 16.219 (PF); LC 16.220 (C-1); LC 16.221 (C-2); LC 16.222 (C-3); LC 16.223 (C-R); LC 16.224 (M-1); LC 16.225 (M-2); LC 16.226 (M-3); LC 16.229 (RA); LC 16.230 (RG); and LC 16.231 (RR).

(a) A minimum of seventy-five percent (75%) of the total area within the riparian setback area of any legal lot shall remain in an unaltered, indigenous state except as provided in LC 16.253(2)(b)(i) and LC 16.253(5)(b) below; and

(b) Removal of existing vegetation from within the riparian setback area of any legal lot shall not exceed the shoreline linear frontage and square footage limitations calculated as follows:

(i) The maximum allowable removal for any legal lot having frontage of 200 feet or less in length along a Class I stream shall not exceed 50 linear feet along the shoreline and an area not greater than 2,500 square feet within the riparian setback area of a Nonresource Zone, or 5,000 square feet within the riparian setback area of a Resource Zone.

(ii) The maximum allowable removal for any legal lot having frontage of more than 200 feet but less than 400 feet in length along a Class I stream shall not exceed 25 percent of the total linear footage along the shoreline, and an area not greater than 25 percent of the total square footage of the entire area within the riparian setback area.

(iii) The maximum allowable removal for any legal lot having frontage 400 feet or greater in length along a Class I stream shall not exceed 100 linear feet along the shoreline of the Class I stream and an area not greater than 5,000 square feet within the riparian setback area of a Nonresource Zone, or 10,000 square feet within the riparian setback area of a Resource Zone. Removal of indigenous vegetation from within the riparian setback area in excess of 100 linear feet and the square footage of the applicable zone designation, to provide water access for a water-dependent use or to allow selective thinning of indigenous vegetation to provide views, may occur subject to compliance with LC 16.253(5)(a)(i) below, prior to removal.

(iv) Removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to allow riparian enhancement projects designed to improve or diversify habitat of designated areas within the riparian setback area may occur subject to compliance with LC 16.253(5)(b) below, prior to removal.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(2)(a) or (b) above, without prior Planning Director approval shall require compliance with the provisions of LC 16.253(4) and LC 16.253(5)(c) below, and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(2) above.

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(2) above and (3) below.

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

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

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

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the Soil and Water Conservation District (SWCD) after consultation with the Oregon Department of Fish and Wildlife.

(vi) In areas that are regulated for aquatic species by the federal Endangered Species Act, construction, maintenance, preservation, repair and replacement of road and ancillary facilities, including bridges, culverts, drainage improvements, embankments, retaining walls, revetments, rip-rap and other slope stabilization structures, conducted under the jurisdiction of Lane County, the Oregon Department of Transportation, or Federal Transportation Authorities, when such activity is a public improvement project within a public right-of-way, or within an area being used for the public improvement project including access easements, areas used for construction staging, areas for storage of materials and temporary detours, and further provided that such work is conducted in compliance with the following:

(aa) In the absence of Routine Road Maintenance Best Management Practices (BMP's) pursuant to Section 4(d) of the Endangered Species Act for Limit 10 of take prohibition specifically developed and recognized by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for Lane County, routine road maintenance is conducted in accordance with the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (BMP's) as published in the Federal Register; or

(bb) Road work other than routine maintenance is conducted in accordance with the Reasonable and Prudent Measures (RPM's) prescribed in the current "Programmatic Biological Opinion and Magnuson - Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Regulatory and Operational Activities Carried out by the Department of the Army Permits in Oregon;" or

(cc) The road work is conducted in compliance with the requirements described in a site specific Biological Opinion of the National Marine Fisheries Service; or

(dd) Such work is conducted in compliance with other final rules published in the Federal Register, consultation decision or conference decision by the National Marine Fisheries Service, the United States Fish and Wildlife Service, or a successor agency pursuant to the Endangered Species Act.

(3) Modifications. A modification to the applicable riparian setback standard for a structure may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback standard has been submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to the requirements of LC 14.100 with findings of compliance addressing the following criteria:

(a) The location of a structure within the riparian setback area shall not result in the removal or the alteration of vegetation within the riparian setback area in excess of the standards of LC 16.253(2) above. For purposes of LC 16.253, altered means to eliminate, significantly reduce or interrupt the natural growth cycle of indigenous vegetation by removal or destruction of the vegetation caused by a person; and

(b) The riparian vegetation does not actually extend all the way into the riparian setback area to the location of the proposed structure. This determination shall include consideration of any evidence of riparian vegetation existing prior to any removal of indigenous vegetation before or during the application review period; or

(c) It can be demonstrated that an unduly restrictive burden would be placed on the property owner if the structure was not allowed to be located within the riparian setback area.

(4) Restoration of Indigenous Vegetation Within the Riparian Setback Area.

Any removal or destruction of indigenous vegetation within the riparian setback area in excess of the provisions of LC 16.253(2) without an approved Riparian Setback Area Alteration Plan shall require an application for a Preliminary Investigation pursuant to LC 16.253(4)(a)-(c) below. Potential impacts identified in LC 16.253(4)(a) below, shall be addressed and/or mitigated through the review, approval and implementation of a Riparian Setback Area Restoration Plan pursuant to LC 16.253(5)(c) below.

(a) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal, alteration or destruction and the potential impacts of the removal in excess of the standards of LC 16.253(2) above. For the purposes of LC 16.253(2) and (4) above, potential adverse impacts shall include the removal or destruction of vegetation in whole or part, which is detrimental to the functions identified in LC 16.253(4)(a)(i)-(iv) below. This investigation shall identify the approval criteria which must be addressed by the property owner in the Riparian Setback Area Restoration Plan pursuant to LC 16.253(5)(c) below and shall include identification of the removed, altered or destroyed indigenous vegetation in excess of the standards of LC 16.253(2)(a) and (b) above, serving one or more of the following functions:

- (i) Shading of Class I streams.
- (ii) Stabilization of a stream bank or shoreline.
- (iii) Habitat for sensitive aquatic or terrestrial wildlife species.
- (iv) Habitat for rare, endangered or threatened species.

(b) Notification of Preliminary Investigation Determination. The planning Director shall notify the applicant of the determination of the Preliminary Investigation by certified mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at the appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the riparian setback area, the area of removal in excess of the standard in LC 16.253(2) above, and shall set forth the determination of the potential adverse impacts identified in LC 16.253(4)(a) above.

(c) Fees for a Preliminary Investigation. To partly defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(5) Riparian Setback Area Alteration Plan Submittal. An application for approval of a Riparian Setback Area Alteration Plan as required by LC 16.253(2)(b) or (c) above, shall be submitted pursuant to one of the following applicable classifications and procedures.

(a) Riparian Setback Area Development Plan. The person proposing the development or removal in excess of the linear and square footage standard of LC 16.253(2)(b)(iii) above, shall submit a Riparian Setback Area Development Plan to the Planning Director pursuant to LC 14.050, which sufficiently identifies the location, nature and scope of the proposed development or removal of vegetation in excess of the provisions of LC 16.253(2)(b)(iii) above, prior to removal. The Riparian Setback Area Development Plan shall establish compliance with LC 16.253(2)(a) above and the following approval criteria:

(i) Vegetation removal or thinning in excess of the standard of LC 16.253(2)(b)(iii) above, shall be limited in scope to accommodate the approved Riparian Setback Area Development Plan only and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g) below;

(ii) The proposed development or removal shall not have a substantial adverse impact on significant wildlife habitat;

(iii) The proposed development or removal shall not have a substantial adverse impact on stream bank or shoreline stabilization; and

(iv) The removal or alteration of indigenous vegetation from within the riparian setback area of a legal lot shall not exceed 25 percent of the total square

footage of the entire riparian setback area and 25 percent of the total linear footage along the shoreline of a Class I stream.

(b) Riparian Setback Area Enhancement Plan. The person proposing the removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to enhance the riparian setback area by replanting with indigenous vegetation, shall submit a Riparian Setback Area Enhancement Plan to the Planning Director pursuant to LC 14.050, which sufficiently identifies the location, nature and scope of the proposed enhancement of indigenous vegetation within the riparian setback area. The Riparian Setback Area Enhancement plan shall establish compliance with the following approval criteria:

(i) Vegetation removal or thinning in excess of LC 16.253(2)(a) and (b) above shall be limited in scope to accommodate the approved Riparian Setback Area Enhancement Plan only and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g) below;

(ii) The proposed alteration and enhancement activities shall provide for the diversification of the indigenous vegetation; and

(iii) The proposed alteration and enhancement activities shall maintain stream bank and shoreline stability.

(c) Riparian Setback Area Restoration Plan. Where required by the Preliminary Investigation, the property owner and the person responsible for removal or destruction of vegetation from within the riparian setback area in excess of the provisions of LC 16.253(2) above shall submit a Riparian Setback Area Restoration Plan to the Planning Director pursuant to LC 14.050, which includes a complete inventory of the previously existing indigenous vegetation which was removed or destroyed. The vegetation inventory shall identify previous plant community locations and the maturity and densities of the previously existing plant species. The submitted Riparian Setback Area Restoration Plan shall provide a recovery and restoration planting schedule to include successional plantings, seasonal maintenance, and other management activities that provide for the recovery of the removed or destroyed indigenous vegetation. An approved Riparian Setback Area Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(5)(g), below:

(i) Restoration of the riparian setback area shall comply with the indigenous vegetation maintenance, removal and replacement standards established in LC 16.253(2)(b) above;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation required Pursuant to LC 16.253(4)(a), above; and

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation required pursuant to LC 16.253(4)(a) above.

(d) Riparian Setback Area Plan Receipt and Referral. Upon receipt and acceptance of the applicable Riparian Setback Area Alteration Plan described in LC 16.253(5)(a), (b) or (c) above, the Planning Director shall refer a copy of the Riparian Setback Area Alteration Plan to the ODF&W for review.

(e) ODF&W Review. Within 10 working days of submittal of the Riparian Setback Alteration Plan to the Planning Director as required in LC 16.253(5)(d) above, the property owner shall provide evidence of consultation with ODF&W. Review of the Riparian Setback Area Alteration Plan and any recommendations by ODF&W to the Planning Director shall be consistent with the provisions of OAR 635-405 (May 1991) and OAR 635-415 (November 1991). Any recommendation from ODF&W addressing the proposed Riparian Setback Area Alteration Plan shall be in writing.

(f) Director Action. The Director may approve the Riparian Setback Area Alteration Plan if there are adequate findings of fact supporting compliance with LC 16.253(2) above and the applicable approval criteria for the proposed Riparian Setback Area Alteration Plan. The Director may impose conditions of approval to assure continued compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100.

(g) Conditions of Approval. Reasonable conditions may be placed upon the approval of a Riparian Setback Area Alteration Plan to mitigate impacts and to assure continued compliance with the protection standards as set forth in the Riparian Setback Area Alteration Plan approved under LC 16.253(5)(f) above. Vegetation removed or destroyed in excess of LC 16.253(2) above shall be replaced or restored and maintained within the next replanting season following the removal or alternation. Required subsequent maintenance and successional plantings shall be identified in the Riparian Setback Area Alteration Plan approved by the Planning Director. Conditions may include but are not limited to the following:

(i) The property owner may be required to enter into a performance agreement to pay all costs associated with implementing the Riparian Setback Area Alteration Plan.

(ii) The Planning Director may require the property owner to record notice of the requirements of the Riparian Setback Area Alteration Plan and performance agreements in the Lane County Deed Records.

(iii) All restored or replaced vegetation plantings within the riparian setback area shall be of an indigenous species as identified in the list of indigenous plant species associated with riparian areas adopted by Board Order and incorporated in Lane Manual. *(Revised by Ordinance No. 10-92, Effective 11.12.92; 5-96, 11.29.96; 1-97, 4.4.97)*

## GREENWAY DEVELOPMENT PERMIT RURAL COMPREHENSIVE PLAN

### 16.254 Greenway Development Permit.

(1) Purpose. To establish Greenway Development procedures for certain land use activities as required by the Statewide Willamette River Greenway Goal and the Lane County Willamette River Greenway Plan.

(2) Definitions. For the purposes of this section, except as otherwise provided below, the definitions provided in LC 16.090 and the Goal adopted by the Oregon Land Conservation and Development Commission shall be used:

(a) Ordinary High Water. The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the U. S. Army Corps of Engineers.

(b) Ordinary Low Water. The low watermark of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high waterline.

from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zones in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Rural Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(f) The variance would not have the effect of rezoning and granting a special privilege not shared by other property in the same zone. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

## SITE REVIEW PROCEDURES RURAL COMPREHENSIVE PLAN

### 16.257 Site Review Procedures.

(1) Purpose. It is the purpose of this section to establish a Site Review Permit procedure for specified uses or applications requiring comprehensive review of proposed site development in order to encourage the most appropriate development of the site compatible with the neighborhood, to prevent undue traffic and pedestrian hazards or congestion, to reduce adverse impacts upon public facilities and services, and to provide a healthful, stable, efficient and pleasant on-site environment.

(2) Site Review Permits Required. A Site Review Permit shall be required when:

(a) Nonresidential uses, except those customarily provided in conjunction with farm uses, are proposed for properties where the proposed uses and/or structures are within 200 feet of the boundaries of an RR-RCP; RA-RCP; R-2-RCP; RG-RCP or RP-RCP zone.

(b) Incidental to conditional approval to rezone as provided in this chapter.

(c) Incidental to any Zoning or Rezoning Application approval when it is determined by the Board, Planning Commission or Hearings Official that a Site Review Permit would be necessary to ensure that such approval would be consistent with the intent and purposes of this chapter.

(d) Incidental to an expansion of a nonconforming use of land and structures as permitted in this chapter.

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

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

Any properties requiring a Site Review Permit pursuant to LC 16.257(2)(c) above shall be designated "SR" in the amending ordinance or order, on a map attached as an exhibit to the ordinance or order, and on the Zoning Map, as applicable.

No Building Permit shall be issued until a Site Review Permit has been obtained as required by this section. Further, said Building Permit can be issued only for development as approved according to the Site Review Permit requirements.

(3) Site Review Permits Not Required. It is not necessary to require a Site Review Permit when:



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

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

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

(d) The proposed improvement is a sign for a use permitted by the parent zone and such sign is not illuminated, does not occupy more than 100 square feet in sign surface area on one side, is of no greater height than the primary buildings on the same property, and is not within the structural setback area designated by LC Chapters 10 and 15.

(e) When the proposed use or improvement is a minor addition to an existing commercial or industrial use or improvement where the minor addition does not exceed 25 percent of the area of the existing use and will not be closer to a property line than the closest portion of the existing structures meeting legal setbacks required by the appropriate zone. For purposes of this section, the area of the existing use shall be calculated by including all improvements, on-site private drives and outside areas which are a part of the use (such as off street parking and loading areas and outside storage areas.)

**(f) The proposed use is a transportation facility or use listed in LC 16.265(3)(a) through (m).**

(4) Criteria for Site Review Evaluation. The following minimum criteria should be considered in evaluating Site Review Applications:

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

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

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

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

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

(f) That, based on anticipated traffic generation, adequate additional right-of-way, ~~and~~ road improvements, **and on-site vehicular, bicycle and pedestrian improvements connecting directly to off-site roads, paths and sidewalks** must be provided by the development in order to promote traffic safety and reduce traffic congestion.

Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional ~~requirements~~ improvements as lighting, sidewalks, **bicycle lane and path connections**, and turn and deceleration/~~—~~acceleration lanes. **Improvements shall be consistent with access management, spacing standards, and other requirements of LC Chapter 15.**

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

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

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

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

(5) Conditions. Reasonable conditions may be established in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this section. Guarantees, evidence, dedications or bonding may be required to ensure that such conditions will be met.

(6) Application. Application for a Site Review shall be made as provided by LC 14.050.

(7) Review Procedure. Applications for Site Reviews shall be reviewed by the Director pursuant to LC 14.100. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

### **CLEAR LAKE WATERSHED PROTECTION ZONE (CLWP-RCP)**

#### **16.258 Clear Lake Watershed Protection Zone (CLWP-RCP).**

(1) Purpose. The Clear Lake Watershed has been recognized as an area deserving protection in order to maintain high water quality in Clear Lake as a domestic water supply source. The Oregon Environmental Quality Commission has adopted regulations to protect the water quality of Clear Lake. The Clear Lake Watershed is made up of properties, a substantial majority of which are in private ownership. The general purpose of the Clear Lake Watershed Protection Zone is to protect the quality of the Watershed, and at the same time, protect the rights of private property owners to make reasonable use of their land. The specific purposes of the Clear Lake Watershed Protection Zone are:

(a) To protect the aquifer and surface waters (the Lakes) of the Clear Lake Watershed;

(b) To help achieve the water quality standards set-forth in OAR 340-41-270 and to ensure that all uses within the Clear Lake Watershed are consistent with the objective of achieving these water quality standards; and

(c) To provide clear and objective development standards necessary to meet water quality standards and avoid land use litigation.

(2) Applicability and Definitions.

(a) The Clear Lake Watershed Protection Zone (CLWP-RCP) shall be applied to those parcels or portions of parcels, and all subdivision lots located in whole or in part within the Clear Lake Watershed as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(b) Terms, phrases and words shall be construed as specified in LC 16.090 except, as used in this section only, the following words and phrases shall have the meaning ascribed below and shall supercede definitions otherwise provided in this Code unless the context clearly indicates a contrary meaning:

Drainage. Water from precipitation, surface or subterranean water from any source, but not sewage.

Farming or Farm Use. The act of farming, as defined in ORS 215.203(2).

Forestland. Land designated as forest land in the Lane County Rural Comprehensive Plan, excluding subdivision lots.

Forest Operations. All activities related to forest management including, but not limited to: harvesting, forestry-related road construction and maintenance, site preparation for reforestation, tree planting, application of insecticides, herbicides, rodenticides, fertilizers or other chemical substances, slash disposal and pre-commercial thinning.

Lakes. Clear Lake and Collard Lake located in western Lane County, Oregon.

Legal Lot. A unit of land created by a subdivision or partition of land in compliance with all applicable planning, zoning and partitioning ordinances and regulations, or by deed or land sale contract if there were no applicable planning, zoning or partitioning ordinances or regulations at the time of such creation.

Parcel. Any legal lot or parcel that is not a subdivided lot or subdivision lot as set forth below.

Removal/Remove. The act of mechanically or manually disrupting or dislodging the root structure of vegetation, in a manner that will result in the death of the vegetation. Removal does not in any context include normal harvesting, trimming or pruning of vegetation which does not cause the death of the vegetation.

Riparian Area/Riparian Setback. The area shoreward and parallel to the ordinary high-water mark of the Lakes. For parcels, the setback area shall be 100 feet in width; for subdivision lots, the setback area shall be 50 feet in width.

Sewage. A combination of water-carried human, animal or industrial waste. While it may include some drainage, it is substantially septic in its characteristics.

Sewage Disposal System. Any device or system used in the collection, transport, storage, treatment, recycling, and reclamation of sewage, including, but not limited to tanks, pipelines, drain fields, pumps, lagoons and treatment plants, chemical treatments and maintenance practices.

Subdivided Lot/Subdivision Lot. Any legal lot totally or partially within the Collard Lake portion of the Watershed, located in the following subdivisions: Mercer Lake Heights; Mercer Lake Heights, 1st Addition except Lot 28; Mercer Lake Heights, 2nd Addition; Collard Lake Heights; Collard Lake Heights, 1st Addition; Collard Lake Acres.

Tract. One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

Watershed. A geographic area within the boundary generally described as the drainage basin for the Lakes from the top of the basin ridge of the Lakes, and including the land and water within the area as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(3) Permitted Uses. The following structures and uses are permitted, without notice and opportunity to appeal, as hereinafter specifically provided for by this section.

(a) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicating the structure is assessed as a dwelling and has been annually assessed as a

dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

- (ii) The established dwelling has the following improvements:
  - (aa) Intact exterior walls and roof structure;
  - (bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - (cc) Interior wiring for interior lights; and
  - (dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Maintenance, repair, additions to or replacement of any existing improvements including, but not limited to, roadways, footpaths, structures (except dwellings set forth in LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a)) and open space.

- (c) Harvesting of wild crops.
- (d) Non-commercial recreation.
- (e) Shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins.
- (f) Forest operations and forest practices.
- (g) Farming located on a parcel when the farming is more than 300 feet measured horizontally from the ordinary high water mark of the Lakes.

(h) Nonresidential or agricultural buildings in conjunction with uses allowed in LC 16.258.

(i) Local distribution lines (e.g., electric, telephone, natural gas, water) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals, water lines, pumps), or equipment which provides service hookups, including water service hookups.

(j) On subdivision lots:

- (i) Residential homes as defined in ORS 197.660, in existing dwellings.

- (ii) Bed and breakfast accommodations.
- (iii) A guest house.

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

(4) Permitted Uses Subject to Objective Standards. The following structures and uses are permitted, without notice or opportunity to appeal, subject to the objective standards outlined in LC 16.258(7) and (8) below, which provide assurance that the use is consistent with the protection of water quality and natural values specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the boundaries of the CLWP-RCP zoning district.

(a) A single-family dwelling and accessory structures in conjunction with such use on a legal lot or parcel; provided, however, that dwellings and accessory structures sited on tax lots 200, 300 and 301, Lane County Assessor's map no. 18-12-12, are subject to the following additional requirements, as may be applicable:

- (i) The dwelling or structure is sited on a tract containing at least 160 contiguous acres; or
- (ii) The dwelling or structure is sited on a tract containing at least 200 acres in one ownership containing parcels that are not contiguous but located in Lane County or an adjacent county and zoned for forest use; and

(iii) the owner of two or more parcels required to meet the minimum acreage requirements of LC 16.258(4)(a)(i) or (ii) above shall submit proof that nonrevocable deed restrictions in the form attached as Appendix "B" have been recorded in the county deed records which shall contain covenants, conditions and restrictions that:

(aa) Shall be irrevocable, unless a statement of release is signed by the Director;

(bb) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(cc) Shall, together with a map or other record depicting any tracts which do not qualify for a dwelling under the recorded deed restrictions, be maintained in the Department records and be readily accessible to the public.

(iv) The failure to follow the requirements of LC 16.258(4)(a)(iii) above relating to the recording of the deed restrictions shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is the subject of the covenants, conditions and restrictions required by this subsection.

(b) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is not located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicate that the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

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

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(c) Water intake facilities, related filtration, treatment and/or transmission facilities, pumping stations and distribution lines owned and operated in conjunction with a public or private domestic water supply system, as may be applicable.

(5) Discretionary Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to LC 14.100, upon the determination that the standards contained in this section and LC 16.258(7) and (8), as may be applicable, have been satisfied which will provide assurance that the use is consistent with standards adopted for the protection of water quality and natural values as specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the CLWP-RCP zoning district.

(a) Alteration, restoration or replacement of a lawfully established dwelling that complies with the following requirements:

(i) The dwelling was lawfully established on the subject property, and the applicant has provided sufficient evidence, other than the evidence required in LC 16.258(3)(a)(i), that the dwelling was lawfully established.

(ii) The dwelling has the following improvements:

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

(iii) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Home occupations under the following conditions:

(i) The home occupation will be operated by a resident or employee of a resident of the property on which the business is located;

(ii) The home occupation will employ on the site no more than five full or part-time persons;

(iii) The home occupation will be operated substantially in the dwelling or in a structure normally associated with uses permitted in LC 16.258. Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation, unless such structure is a verified nonconforming use under LC 16.251(1)(a) through (c);

(iv) The home occupation will not unreasonably interfere with other uses permitted in LC 16.258 and will comply with any additional conditions of approval;

(v) The home occupation remains and operates in compliance with LC 16.258(5)(b) and with the conditions upon which approval of the home occupation was granted.

(c) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands or similar areas of unique value, and the vegetation and wildlife supported by such waters, artificial stream bank, shoreline stabilization or lake level maintenance (e.g. dams) adjacent to the Lakes, and stabilization necessary to protect lawful structures; provided, however, that such activities shall not endanger water quality, and surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(d) One temporary mobile home in conjunction with an existing dwelling or mobile home subject to compliance with the following conditions:

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

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

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

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

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

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

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

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

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

(viii) Within three months of the end of the hardship, the temporary mobile home shall be removed from the property or demolished. A temporary mobile home approved under LC 16.258(5)(d) shall not be eligible for replacement under LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a) above.

(e) Parks, playgrounds and community centers on subdivision lots, provided:

(i) The proposed use will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in LC 16.258; and

(ii) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.

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

**(6) Prohibited Uses.** Except as allowed in LC 16.258(3)(e) and LC 16.258(5)(c) above, the following uses and activities are specifically prohibited:

(a) Fill or extraction in the Lakes.

(b) Fill or extraction in freshwater marsh areas located below the ordinary high water mark of the Lakes.

(c) Development within a riparian area, except for:

(i) Pedestrian paths not to exceed five feet in width;

(ii) Access to launch sites on the Lakes not to exceed 15 feet in width;

(iii) Maintenance of existing roadways, footpaths, and open space;

(iv) Maintenance, repairs, additions to or replacement of any existing structures or improvements; and

(v) Vegetation removal consistent with LC 16.258(11).

(vi) Necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration, distribution and/or transmission facilities.

(d) Application of petroleum products on graveled surfaces, except as used as preparation for an asphalt concrete or like surface.

(e) Using or storing materials within the Watershed in a manner that poses a significant threat to water quality in the Lakes.

(f) Constructing or installing in the Lakes any structure, including but not limited to, shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins, with materials that pose a significant threat to water quality in the Lakes, such as railroad ties treated with creosote or other materials treated with hazardous substances on a list published by DEQ.

(g) Engaging in an activity or allowing a situation to exist on property within the Watershed which will cause erosion resulting in sediments and materials being deposited in the Lakes which pose a significant threat to water quality in the Lakes. The owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the property or a construction project on the property which will cause erosion prohibited by LC 16.258(6)(g) shall take precautions to prevent that erosion during the permitted activity and thereafter. Such precautions may include, but are not limited to:

(i) Temporary or permanent soil stabilization structures or practices, or both;

(ii) Temporary or permanent sediment control devices or both;

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(iii) Avoiding unnecessary excavation and removal of indigenous vegetation; and

(iv) Replacement of removed vegetation within 60 days following completion of the construction activity

(7) Objective Standards for Structures. A plot plan shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(a) No structure other than a fence or sign shall be located closer than 20 feet from the ~~existing or planned~~ right-of-way of a state, county or local public access road **specified in LC Chapter 15.**

(b) No structure other than a fence or sign shall be located closer than 10 feet to an adjoining property line, except that for any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the structural setback for property lines other than front-yard shall be five feet.

(c) Cornices, canopies and eaves may extend two feet into any required setback area.

(d) All roofed structures regulated by the Uniform Building Code shall have Class A or B roofing as defined by the code and each chimney shall be equipped with a spark arrestor.

(e) New dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be sited to provide fuel breaks as required by LC 16.258(12) on land surrounding the dwelling that is owned or controlled by the owner.

(8) Objective Development Standards for Dwellings.

(a) Applicant Responsibility A plot plan and any necessary supporting documentation shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(i) Fire Suppression Water Supplies. Dwellings and habitable structures shall be located within a fire protection district or shall be provided with residential fire protection by contract with the nearest district. If the dwelling or habitable structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impractical, an adequate fire suppression system meeting the requirements of LC 16.258(12)(c) shall be provided.

(ii) Domestic Water Supply. Each new dwelling on forestland shall have a domestic water supply from a source authorized in accordance with the Water Resources Department administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). Evidence of domestic water supply shall include:

(aa) Verification from a water purveyor that the dwelling will be served by the purveyor under the purveyor's rights to appropriate water; or

(bb) A water use permit issued by the Water Resources Department for the dwelling; or

(cc) Verification from the Water Resources Department that a water use permit is not required for the dwelling. If the water supply is from a well and is exempt from permitting requirements under ORS 537.545, the well constructor's report shall be submitted to the county upon completion of the well.

(iii) Connection to Public Sewage Disposal System. Each new dwelling on a subdivision lot shall connect to a public sewage disposal system where such system is legally and physically available. In the event that a public sewage disposal system is not legally or physically available, the owner shall sign and record in county deed records an irrevocable petition and agreement binding upon the owner, and



successors in interest, agreeing to connect to a public sewage disposal system when it does become legally and physically available as required by LC 16.258(8)(b)(viii).

(iv) Drain Field Location. Any new sewage disposal drain field installed on a parcel shall be located outside the Watershed or at least 100 feet measured horizontally from the ordinary high water mark of the Lakes.

(v) Tree Stocking. The owner of each new dwelling on forestland shall establish a sufficient number of trees on the tract to meet the minimum stocking requirements of the Forest Practices Act. The following requirements will apply:

(aa) The owner shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;

(bb) The Planning Director shall notify the county assessor of the stocking requirement;

(cc) If the lot is more than 10 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

(dd) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(vi) Forest Practices Declaration. The owner of each new dwelling on forest land shall provide evidence of a document signed and recorded in the county deed records binding the owner, and the owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) Certified Engineer's, Architect's or Geologist's Report. A plot plan or statement, as may be applicable, shall be submitted by an engineer, architect, or geologist licensed by the State of Oregon, as may be applicable, with necessary detail showing compliance with the following standards:

(i) Runoff from any proposed impervious structure shall not be discharged off site over the surface of the lot or parcel. For the purposes of this paragraph, "structure" shall include that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land, including a building, dwelling, mobile home, manufactured home and accessories, and above ground gas or liquid storage tanks. Roadways, driveways, walks and pedestrian paths shall not be considered structures for purposes of this paragraph.

(ii) Dwellings shall be restricted to slopes of less than 40 percent

(iii) Where dune forms exist, certification that the development shall result in the least topographical modification to the site as practicable.

(iv) For development proposed on a dune land form, a determination identifying the type of land form involved and whether compressible subsurface areas exist on the development site. If compressible subsurface areas exist on the development site, foundations shall be engineered.

(v) Where dune forms exist, sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the LM 10.056 and 10.060.

(vi) If the proposal for development includes the construction of new roads or driveways within the boundaries of the CLWP-RCP Zoning District, a

determination that the construction of the new road or driveway will not have an adverse impact on any of the following:

- (aa) Water quality;
- (bb) Identified hazards associated with activities on the development site or presented by conditions on adjacent sites;
- (cc) Historical or archaeological sites as identified in the Lane County Rural Comprehensive Plan;
- (dd) Critical fish or wildlife habitat as identified in the Lane County Coastal Inventory;
- (ee) Adjacent areas of geologic instability, if any, which have a direct impact on water quality or on shoreline stability;
- (ff) Existing Class I streams on the legal lot or parcel;
- (gg) Areas of significant shoreland and wetland biological habitat composed of freshwater marshes located below the ordinary high water mark of the Lakes and areas included in the Lane County Coastal Inventory as significant natural areas, or other areas which the Lane County Board of Commissioners may deem significant natural areas based on newly adopted inventory information.

(vii) Fire Safety Design Standards for Roads. Notwithstanding LC Chapter 15, construction of roads and driveways within the Watershed providing access to dwellings shall comply with the standards of this section. In the event the standards of LC Chapter 15 and this section are inconsistent, the standards of this section shall take precedence.

(aa) Definitions. As used herein, "road" means a way of access providing, or proposed to provide, access for more than three dwellings, and "driveway" means a way of access providing access, or proposed to provide access, for three dwellings or less.

(bb) Existing Roads and Driveways.

(i-i) For the purposes of limiting reconstruction of existing roads and driveways and thereby minimizing potential erosion within the Watershed, a road or driveway existing as of the date of adoption and application of these provisions to the property on which the road is located, including a road or driveway from which a new road or driveway extension is proposed, shall not be considered a new road or driveway.

(ii-ii) Use of existing roads and driveways for access to new development shall be made where practicable.

(cc) Location and Design. To the extent practicable, new access roads and driveways shall be located and designed to minimize sediment entering the Lakes by minimizing:

(i-i) the length between the public road and the dwelling site;

(ii-ii) the removal of indigenous vegetation in forested areas;

(iii-iii) the disturbance of the natural topography; and

(iv-iv) the number of crossings over drainage courses including streams.

(dd) Methods of Compliance - Fire Design Standards. New roads and driveways shall be designed and constructed at the minimum width necessary to accommodate fire suppression vehicles. Applicants may establish compliance with this standard by obtaining written verification of compliance from the agency providing fire protection, or applicants may include in the plot plan or statement required by LC 16.258(8)(b) information showing that the following minimum standards have been addressed:

(i-i) Road Dimensions. New roads shall have an unobstructed travel surface width of at least 15 feet; or, if the new road has vehicle passage turnouts 20 feet in length and eight feet in width at intervals of not less than 400 feet, the new road may have an unobstructed travel surface of at least 10 feet,

(ii-ii) Driveway Dimensions. New driveways shall have an unobstructed travel surface width of at least 10 feet.

(iii-iii) Road and Driveway Surfaces. New roads and driveways shall be constructed with travel surfaces with a gravel depth of not less than six inches.

(iv-iv) Additional Road and Driveway Standards. New roads and driveways shall have an additional unobstructed clearance area one foot along each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet, 6 inches.

(v-v) Hammerhead Turnarounds. Any new private, dead-end road or driveway more than 500 feet in length shall include a hammerhead turnaround at the home site, and an additional hammerhead turnaround at the entry to the property if the home site is located more than 400 feet from the entry to the property. Hammerheads shall have an improved surface with a minimum turning radius of 20 feet, an overall depth of at least 60 feet, and a width of at least 20 feet. Hammerheads on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches.

(vi-vi) Bridges and Culverts. New bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 15 foot road width surface or a minimum 10 foot driveway surface. Railway flat bed cars of narrower widths are acceptable for short bridges on private roads and driveways with written verification from an engineer licensed in the State of Oregon attesting that the railway car has sufficient strength to maintain a minimum gross weight of 50,000 lbs.

(vii-vii) Road and Driveway Grades. Road and driveway travel surface grades shall not exceed 16 % (percent) except for short distances when topographic conditions make compliance impractical.

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

(viii) Access Easement and Petition. All owners proposing development on a subdivision lot, subject to the standards in LC 16.258(7) and (8), shall execute the following documents which shall be recorded in the official deed records of Lane County:

(aa) An irrevocable petition consenting to the construction of a public sewage disposal system to serve the subdivision lot and agreeing to connect thereto when such system becomes legally and physically available at the same cost as that charged to other similarly situated subdivision lot owners; and

(bb) A perpetual easement providing access to any public drainage or sewage disposal system constructed on the legal lot for purposes of insuring drainage disposal and sewage treatment and disposal consistent with the regulations of local and state agencies concerned with sewage treatment and disposal, and water quality in the Lakes. This easement shall be given to the local governmental unit providing drainage or sanitary sewer service, as may be applicable, and shall allow the employees and agents of the grantee to perform their official duties regarding the inspection, operation and maintenance of such facilities.

(9) Site Investigation Reports (SIR). If any of the factors listed in LC 16.258(8)(b)(vi)(aa-gg) above are identified and exist where they will be adversely impacted by the road or driveway:

(a) A Site Investigation Report (SIR) is required. The form and content of the SIR is as specified by LM 10.060. The SIR is designed to provide in-depth information concerning hazards and potential adverse impacts associated with the proposed road or driveway and to suggest methods for minimizing or mitigating the impacts.

(b) Preparation of a SIR, if required under the provisions of LC 16.258(9)(a), is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(c) The SIR shall be prepared by a qualified person or team of persons having expertise and familiarity with the area. The applicant shall choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, based on standards approved by the Board of County Commissioners.

(d) Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development of the road or driveway for the purpose of minimizing or mitigating hazards or adverse impacts and preserving the water quality of the Lakes.

(e) An applicant may appeal the determination of, or the imposition of conditions based on the SIR, in the manner for such appeal as provided by LC 14.500.

(10) Area. The minimum area requirement for the division of land is 80 acres, except as follows:

(a) A division of forestland, as designated in the Lane County Rural Comprehensive Plan, to facilitate a forest practice as defined in ORS 527.620 may be allowed to create a parcel containing less than 80 acres, provided findings demonstrating that there are unique property specific characteristics present in the proposed parcels that require an amount of land smaller than 80 acres in order to conduct the forest practice and the following requirements are met:

(i) The new parcels shall not be eligible for siting an additional dwelling;

(ii) The parcels shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iii) The parcels shall not, as a result of the land division, be used to justify the redesignation or rezoning of resource lands;

(iv) The parcels shall not contain less than 35 acres except:

(aa) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency, or;

(bb) Where the purpose of the land division is to allow transactions in which at least one person is a person with cumulative ownership of at least 2,000 acres of forestland; and

(v) If associated with the creation of a parcel where a dwelling is involved, the parcel where the dwelling is involved shall not contain less than 80 acres.

(b) A parcel may be created for an existing dwelling on land designated forestland in the Lane County Rural Comprehensive Plan, subject to the following requirements:

(i) The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall be no larger than 10 acres;

(ii) The dwelling must be lawfully existing since prior to June 1, 1995.

(iii) The remaining parcel not containing a dwelling must contain 80 acres, or, the remaining parcel not containing the dwelling, must be consolidated with another parcel, and together the parcels must contain 80 acres;

(iv) The remaining parcel not containing a dwelling is not entitled to a new dwelling unless subsequently authorized by law or goal;

(v) The landowner shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded in the official deed records of Lane County. The restriction shall allow no new dwellings unless authorized by law or goal on lands zoned for forest use. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to state-wide planning goals pertaining to agricultural land or forestland. The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(vi) The landowner shall complete and record a Forest Management Agreement in the Lane County deed records, recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules and declaring that the owner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(c) For those lands that are subdivided lots, the minimum area requirement for the division of land is one acre.

(d) For those lands that qualify for marginal land zoning under ORS 197.247 (1991 Edition), the minimum area required for the division of land is:

(i) Ten acres if the lot or parcel is not adjacent to land zoned for exclusive farm use or forest use, or if it is adjacent to such land, the adjacent land qualifies for designation as marginal land under ORS 197.247 (1991 Edition).

(ii) Twenty acres if the lot or parcel is adjacent to land zoned for forest use or exclusive farm use and that adjacent land does not qualify for designation as marginal land under ORS 197.247 (1991 Edition).

(11) Restoration of Vegetation Within Riparian Areas. Except as allowed by LC 16.258(11)(a) below, a permit to remove vegetation, or if a permit is required due to unauthorized removal of vegetation, within the riparian area, shall require an application by the owner of the property, or other person responsible, for a Preliminary Investigation. Potential impacts identified in LC 16.258(11)(b) shall be addressed and/or mitigated through the review, approval and implementation of a Restoration Plan pursuant to LC 16.258(11)(b) below.

(a) Exemption. No permit under this section shall be required for removal of vegetation:

(i) Associated with the construction of a pedestrian path not to exceed five (5) feet in width, access to launch sites on the Lakes not to exceed fifteen (15) feet in width, maintenance of existing roadways, footpaths and open space, maintenance, repair, addition to or replacement of any existing structures or improvements and necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration and/or transmission facilities.

(ii) That poses a safety or health hazard, such as a danger tree.

(b) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal and the potential impacts of the removal to water quality in the Lakes. For the purpose of this section, potential adverse impacts shall include the removal of vegetation in whole or in part, which poses a significant threat to the functions identified in this subsection. This investigation shall identify the approval criteria which must be addressed by the property owner in the Restoration Plan pursuant to LC 16.258(11)(c) below, and shall include identification of the removed vegetation serving one or more of the following functions:

(i) Shading of the Lakes;

(ii) Stabilization of a stream bank or shoreline;

- (iii) Habitat for sensitive aquatic or terrestrial wildlife species;
- (iv) Habitat for rare, endangered or threatened species;
- (v) Water quality of the Lakes.

(c) **Restoration Plan.** Where required by the Preliminary Investigation, the person responsible for removing the vegetation shall submit a Restoration Plan to the Director pursuant to LC 14.050, which includes a complete inventory of the vegetation which was removed or is proposed for removal. The vegetation inventory shall identify previous and existing plant community locations and the maturity and densities of previously existing or current plant species. An approved Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Director in accordance with LC 16.258(11)(d) below:

- (i) Restoration of the riparian area shall provide a recovery and restoration planting schedule to include successional planting, seasonal maintenance, and other management activities that provide for the complete recovery of vegetation;
- (ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation;
- (iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation; and
- (iv) Mitigation of any other condition resulting from the removal of vegetation from the riparian area identified as having a significant adverse affect upon water quality in the Lakes.

(d) **Director's Action.**

(i) The Director may approve the Preliminary Investigation and Restoration Plan if there are adequate findings of fact supporting mitigation of the adverse impacts and the applicable approval criteria for the proposed Restoration Plan. The Director may impose conditions of approval necessary for compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100.

(ii) Reasonable conditions may be placed upon the permit and the approval of a Restoration Plan to mitigate impacts and to provide for continued compliance with the protection standards as set forth in the Restoration Plan approved under LC 16.258(11)(d)(i) above. Unless otherwise approved, implementation of the plan must commence within 60 days of the Director's approval of the Restoration Plan. Required subsequent maintenance and successional plantings shall be identified in the Restoration Plan approved by the Director. Conditions may include, but are not limited to, the following:

(aa) The person responsible may be required to enter into a performance agreement to pay all costs associated with implementing the Restoration Plan.

(bb) The Director may require the person responsible to record notice of the requirements of the Restoration Plan and performance agreements in the Lane County Deed Records.

(cc) To partially defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fee shall be as established by Order of the Board of County Commissioners.

(iii) The Director shall notify the applicant of the determination of the Preliminary Investigation and the requirements of a Restoration Plan, if any, by mail within 10 days of completion of the Preliminary Investigation.

(iv) As provided in LC 14.500, an applicant may appeal the determination of the Preliminary Investigation.

(12) **Fuel Breaks and Fire Suppression.** No indigenous vegetation shall be removed from the riparian area around the Lakes for the purpose of complying with the secondary fuel break requirements of this section because the Lakes are bodies of water

which mitigate the shoreward fire hazard. Fuel breaks around new dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be established and maintained as follows:

(a) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot by application of the following standards:

(i) Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height).

(ii) Individual or small groups of trees should be spaced with at least 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches.

(iii) Accumulated leaves, needles, and other dead vegetation should be removed from beneath trees.

(iv) Nonflammable materials (e.g., rock), instead of flammable materials (e.g., bark mulch), should be placed next to the house.

(v) As slope increases, except in the riparian area, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table below:

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

(b) **Secondary Fuel Break.** The secondary fuel break is a fuel break located on the applicant's property extending a minimum of 100 feet in all directions around the primary safety zone. The secondary fuel break shall not apply in the riparian area. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced by application of the following standards:

(i) Individual or small groups of trees shall be spaced with at least fifteen (15) feet between the crowns, and pruned to remove dead and low (less than 8 feet) branches.

(ii) Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(c) **Fire Suppression Water Supply.** Unless otherwise authorized by the Planning Director, the minimum acceptable fire suppression water supply system for dwellings and habitable structures not provided with residential fire protection from a fire protection district shall include the following:

(i) 1,500 gallon water reservoir with a submersible 1 1/2 HP pump. Alternatives, such as road access to a water supply which meets or exceeds this requirement, may be allowed subject to review and approval by Land Management Division pursuant to LC 16.258(13), below;

(ii) a minimum of two, one-inch frost-free valve operated hydrants;

(iii) a minimum of two hose reels installed 50 to 75 feet from the dwelling foundation;

- diameter hose;
- (iv) each hose reel shall contain a minimum of 100 feet of 1 inch diameter hose;
  - (v) each hose shall have a 1/4 inch diameter nozzle;
  - (vi) all hoses shall be rated for fire suppression systems;
  - (vii) vehicle access to within 15' of the water reservoir or water supply for fire-fighting pumping units;
  - (viii) the road access shall accommodate the turnaround of fire fighting equipment during the fire season; and
  - (ix) permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(13) Verification of Compliance with Conditions of Approval. An application to verify compliance with conditions of land use approval, together with the required processing fees, shall be required for any dwelling requiring fuel breaks or a fire suppression system, any proposed use requiring a site investigation report under LC 16.258(9) above, or any Director's level or Hearing Official decision for which conditions of approval have been imposed. Prior to commencement of the use or the issuance of any occupancy permit for the dwelling, the conditions of approval must be met and verified by the Lane County Land Management Division.



**LEGAL DESCRIPTION OF CLEAR LAKE WATERSHED**

Beginning at point known as Tank One, located in Section One, Township 18 South, Range 12 West, of the Willamette Meridian, Lane County Oregon;

Run thence S. 67° 50' 51.5" E. 97.8 ft. to the True Point of Beginning;

Run thence S. 05° 40' 43.0" W. 1960.62 ft. to a point,

Run thence S. 04° 58' 45.4" E. 1301.91 ft. to a point,

Run thence S. 52° 44' 01.0" W. 231.21 ft. to a point,

Run thence S. 15° 20' 45.4" E. 774.62 ft. to a point,

Run thence S. 31° 44' 14.0" W. 520.89 ft. to a point,

Run thence S. 00° 24' 43.9" W. 834.02 ft. to a point,

Run thence S. 07° 49' 01.8" W. 1191.07 ft. to a point,

Run thence S. 50° 26' 06.3" W. 73 1.61 ft. to a point,

Run thence S. 02° 51' 10.5" W. 301.37 ft. to a point,

Run thence S. 36° 37' 58.2" W. 918.41 ft. to a point,

Run thence S. 47° 12' 26.3" W. 1321.86 ft. to a point,

Run thence S. 72° 58' 54.2" W. 498.84 ft. to a point,

Run thence S. 85° 44' 21.3" W. 955.64 ft. to a point,

Which is N. 11° 39' 16.9" W. 5434.90 ft. from a point known as Green Two (located in section 13 in said Township and Range);

Run thence N. 58° 09' 44.1" W. 1630.28 ft. to a point,

Run thence N. 25° 23' 10.1" W. 1978.00 ft. to a point,

Run thence N. 16° 34' 21.0" W. 1731.95 ft. to a point,

Run thence N. 06° 13' 18.0" W. 747.40 ft. to a point,

Run thence N. 03° 50' 32.8" E. 671.51 ft. to a point,

Run thence N. 59° 33' 18.9" E. 1117.02 ft. to a point,

Run thence N. 59° 50' 06.0" E. 1894.56 ft. to a point,

Run thence N. 48° 28' 40.0" E. 897.56 ft. to a point,

Run thence N. 31° 29' 50.7" E. 920.64 ft. to a point,

Run thence N. 19° 46' 39.6" E. 1524.95 ft. to a point,

Run thence S. 76° 05' 37.1" E. 748.95 ft. to a point,

Run thence S. 57° 33' 30.2" E. 445.53 ft. to a point,

Run thence S. 78° 27' 44.9" E. 394.98 ft. to a point,

Run thence S. 61° 55' 39.0" E. 323;00 %. to a point,

Run thence N. 89° 04' 46.8" E. 249.03 ft. to a point,

Run thence S. 67° 43' 17.4" E. 245.31 ft. to a point,

Run thence S. 79° 55' 09.8" E. 45.71 ft. to a point,

Run thence S. 83° 59' 27.6" E. 95.52 ft. to a point,

Run thence N. 42° 02' 57.2" E. 68.68 ft. to a point,

Run thence S. 80° 41' 24.2" E. 61.81 ft. to a point,

Run thence S. 10° 47' 03.5" E. 128.27 ft. to the True Point of Beginning.

APPENDIX "A" TO LANE CODE  
CHAPTER 16 (LC 16.258(2))  
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