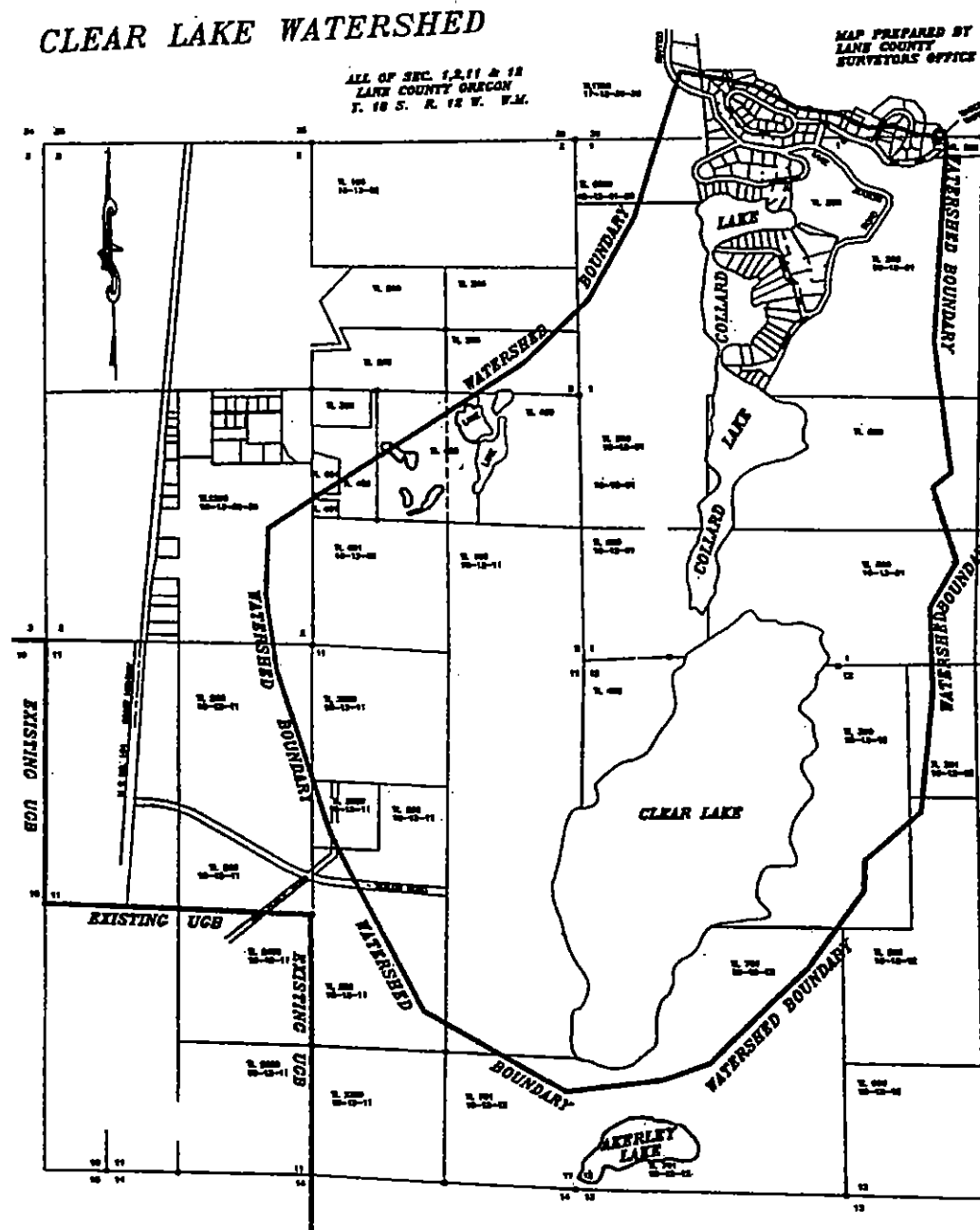


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16.258 Lane Code

LEGISLATIVE
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APPENDIX "A" TO LANE CODE
CHAPTER 16 (LC 16.258(2))
Page 2

Declaration of Covenants, Conditions and Restrictions Form

Whereas, the undersigned _____ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions: It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are locate executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.

State of)
County)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____.

Notary Public for Oregon
My Commission expires: _____

APPENDIX "B" TO LANE CODE
CHAPTER 16 (LC 16.258(4)(a)(iii))
Page 1

(Revised by Ordinance No. 6-98, Effective 12.2.98)

**SUBDIVISION AND DIRECTION SIGNS
RURAL COMPREHENSIVE PLAN**

16.259 Subdivision and Direction Signs.

(1) Standards.

(a) Subdivision signs announcing the division and improvement of property may be erected within the platted subdivision area as follows:

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Lane Code

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(f) Equipment areas must be enclosed by a chain link fence or equivalent with or without slats for screening.

(7) Permit Renewal and Expiration Requirements for Telecommunication Towers.

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

(b) Permit renewal is based upon the applicant submitting documentation that the telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC) and continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

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

(d) If the tower is discontinued from being used as a telecommunication facility for a period of one (1) year, the tower shall be removed. To insure removal of the telecommunication facility, the applicant shall, as a condition of the Special Use Permit, provide a performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunications facility and restoration of the site at the time the facility is removed. The property owner shall be notified of the determination of discontinued use and the property owner shall be responsible for removal of the telecommunication tower and equipment facilities and securing any required demolition permits within the six (6) months immediately following cessation of the operation of the telecommunication facility. The property owner shall bear the ultimate responsibility for removal of the facilities and shall sign a document that is recorded in the deed history of the subject property with Lane County Deeds and Records recognizing such responsibility. Any Special Use Permit granted for the property will automatically expire upon removal. *(Revised by Ordinance 4-02, Effective 4.10.02)*

TRANSPORTATION FACILITIES AND USES RURAL COMPREHENSIVE PLAN

16.265 Transportation Facilities and Uses.

(1) Purpose. The purpose of this section is to define roadway and other transportation activities, uses, and projects that may be allowed in any land use zone governed by LC Chapter 16, subject to applicable standards and requirements. It clarifies the status of these activities and the processes necessary to implement the Lane County Transportation System Plan (TSP), a Special Purpose Plan of the Rural Comprehensive Plan.

(2) Definitions. The definitions in LC 15.010 shall apply to transportation facilities and uses specified in LC 16.265(3) below.

(3) Transportation Facilities and Uses. The following transportation facilities and uses may be permitted outright or as special uses only as specified in the applicable land use zone, subject to LC 16.265(4) and other applicable requirements of Lane Code:

(a) Climbing and passing lanes;

(b) Reconstruction or modification as defined in LC 15.010, and modernization as defined in LC 15.010 of public roads and highways, including:

(i) acquisition of right-of-way, including the removal or displacement of buildings but not including the creation of new parcels.

(ii) channelization as defined in LC 15.010.

(iii) the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way.

(iv) the addition of travel lanes.

(v) continuous median turn lanes.

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

(d) Improvement of public roads and related facilities such as maintenance yards, weigh stations and rest areas, to support the operation and maintenance of public roads and highways, including the acquisition of right-of-way but not resulting in the creation of new lots or parcels;

(e) 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.

(f) 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.

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

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

(i) Park and ride lots.

(j) Realignment as defined in LC 15.010 not otherwise allowed in this section.

(k) Replacement of an intersection with an interchange.

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

(m) Transportation facilities, services and improvements other than those listed in LC 16.265(3) that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

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

(o) Railroad mainlines and branch lines.

(p) Pipelines.

(q) Navigation channels.

(r) Expansion or alterations of public use airports that do not permit service to a larger class of airplanes, as defined by the Federal Aviation Administration.

(4) Modernization projects, and other road improvement projects listed above in LC 16.265(3) that involve the addition of travel lanes, or the displacement or relocation of buildings, shall be subject to the following:

(a) State projects shall be subject to the public involvement policies and actions in the adopted Oregon Transportation Plan, and shall be part of the

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16.265 Lane Code

LEGISLATIVE
FORMAT
16.265

State Transportation Improvement Program (STIP) adopted by the Oregon
Transportation Commission; and

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

**RURAL RESIDENTIAL ZONE (RR)
RURAL COMPREHENSIVE PLAN**

16.290 Residential Zone (RR).

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

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

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates the initial zoning of the subject property. The Director shall determine when the property was initially zoned based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured dwelling or park model recreation vehicle on a lot or parcel, in addition to an existing dwelling, manufactured dwelling or

duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured dwelling or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured dwelling or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured dwelling or park model recreation vehicle; or

(iii) A resident of the temporary manufactured dwelling or park model recreation vehicle is a relative of a resident of the existing dwelling, manufactured dwelling or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence and general nature of the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured dwelling or park model recreation vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured dwelling or duplex.

(vi) The temporary manufactured dwelling or park model recreation vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured dwelling or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured dwelling or park model recreation vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured dwelling or park model recreation vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured dwelling or park model recreation vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured dwelling or park model recreation vehicle, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A home occupation and/or a home office that comply with these conditions:

(i) No more than five persons shall work in the home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the home occupation and/or home office are located.

(ii) The home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 5.600, PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the home occupation, other than the vehicles of the owner, shall not be "plainly audible," as defined by LC 5.605, from any boundary of the subject property

before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the home occupation shall comply with LC 5.700, NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the home occupation and/or home office property shall be limited to persons who qualify as workers of the home occupation and/or home office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the home occupation and/or home office property.

(ix) Use of buildings or structures for the home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the 1997 Uniform Building Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

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

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

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Lane Code

**LEGISLATIVE
FORMAT
16.290**

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

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

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 5.600 for prohibited noise.

~~(q) Transportation facilities, services and improvements that are authorized by OAR 660-012-0065(3) and (4) and that are part of an adopted Transportation System Plan.~~ facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement and shall not be a manufactured dwelling or mobile home;

(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

(v) The conversion of a manufactured dwelling or mobile home to a guesthouse shall not be allowed.

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, or animal or pet shelters, and not more than one accessory residential structure. An accessory residential structure is a structure that contains area for residential use or occupancy, a toilet or bathroom and that shall comply with these requirements:

(i) The total floor area of the structure shall not contain more than 850 square feet;

(ii) The structure shall not contain a kitchen.

(iii) The structure shall be located on a lot or parcel that has a lawfully existing dwelling, manufactured dwelling or duplex on it and that does not have two or more permanent dwellings or manufactured dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure shall be connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical circuit box as the existing dwelling or manufactured dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(3) Rural Home Business. A rural home business is allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance of the rural home business with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate rural home businesses on their Rural Residential zoned land;

(ii) To assure that the operation of rural home businesses will be compatible with nearby uses;

(iii) To recognize the uniqueness of each rural home business including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a rural home business. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory rural home business uses that are normally located outdoors such as: advertising signs for the rural home business; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the rural home business; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a rural home business requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the rural home business shall not be allowed.

(iii) The amount of building floor area of rural home businesses shall not exceed:

(aa) 3,000 square feet for any parcel or lot located outside an unincorporated community; or

(bb) 4,000 square feet for any parcel or lot located inside an unincorporated community.

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these rural home business operation concerns:

- (i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;
- (ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;
- (iii) Fire safety;
- (iv) The hours of operation;
- (v) Any noise or odors;
- (vi) Outdoor lighting; and
- (vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for rural home businesses shall be valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the rural home business and written information. The Director shall determine if the rural home business has been operated in compliance with the conditions of approval. Rural home businesses that continue to be operated in compliance with the conditions of approval shall receive a two-year extension of the approval. Rural home businesses for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with LC 14.070(1). The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.500.

(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) below are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) More feeding, breeding and management of livestock, poultry or fur bearing animals, stables, riding academies and commercial riding than allowed in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

(f) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(g) An onsite sewage disposal system for nearby property in a rural zone.

(h) A replacement of a lawfully existing (per LC Chapter 16) dwelling, manufactured dwelling or duplex that relies on evidence of its lawfully existing nature other than required by LC 16.290(2)(b) above, or a replacement dwelling, manufactured dwelling or duplex that shall comply with the following requirements:

(i) The dwelling, manufactured dwelling or duplex was removed or destroyed within 12 months of the date that the Director received the special use permit application for its replacement;

(ii) Prior to the removal of the dwelling, manufactured dwelling or duplex, it was a lawfully existing dwelling, manufactured dwelling or duplex; and

(iii) The replacement dwelling, manufactured dwelling or duplex shall be located on the same foundation footprint as the removed or destroyed dwelling, manufactured dwelling or duplex or shall be located in compliance with LC 16.290(7) below.

(i) Animal hospitals. An "animal hospital" is a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use. The square foot floor area of an animal hospital shall not exceed 4,000 square feet for any parcel located in an unincorporated community or 3,000 square feet for any parcel located outside of an unincorporated community.

(j) Commercial breeding kennel or commercial kennel. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. These terms are not intended to include an animal hospital or a noncommercial kennel.

(k) Campgrounds and camping vehicle parks. A "campground" is an area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development. A "camping vehicle park" is a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating. Campgrounds and camping vehicle parks:

(i) Shall be located at least:

(aa) 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, or

(bb) 3 miles from any other urban growth boundary unless they are contiguous to or located on lands with an accessible park or other outdoor amenity; and

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

(iii) Shall not exceed the carrying capacity of the soil or existing water supply resources or result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

(m) Churches. A "church" is a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.

(n) Golf courses.

(o) Lodges and grange halls that:

(i) are owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural area; or

(ii) do not contain more than 4,000 square feet if located in an unincorporated community or not more than 3,000 square feet if located outside an unincorporated community.

(p) Parks, playgrounds, community centers.

(q) Public and private schools. A "school" is a place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of education is provided.

(r) Storage facilities for boats and recreational vehicles.

(s) Uses and development similar to uses and development allowed by LC16.290(2) or (4) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.290(2) through (4) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The proposed use and development shall be consistent with the purpose in LC 16.290(1).

(ii) When compared with the uses and development permitted by LC 16.290(2) or (4) above, the proposed use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use;

(cc) Parking demand, customer types and traffic generation; and

(dd) Intensity of land use of the site.

(iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

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

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

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall

comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

(a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

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

(c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and

(d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

(a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or parcels for residential purposes on land zoned RR-1 shall be two acres as long as required by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.

(b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.

(c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:

(i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;

(ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

(iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;

(iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;

(v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and

(vi) "Habitable dwelling" means a dwelling, that:

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

(7) Property Development Standards. All uses or development permitted by LC 16.290(2) through (4) above, except as may be provided therein, shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

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

(ii) At least 10 feet from all other property lines; and

(ii) Notwithstanding LC 16.290(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 10 foot setback otherwise required by LC 16.290(7)(a)(ii) above provided it complies with LC 16.290(7)(d) below.

(b) The setback for property lines other than front-yard shall be five feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, 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 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. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

**RURAL COMMERCIAL ZONE (RC, RCP)
RURAL COMPREHENSIVE PLAN**

16.291 Rural Commercial Zone (RC, RCP).

(1) Purpose. The purposes of the Rural Commercial Zone (RC, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP), to allow commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area, and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.291 is not retroactive. The Director has no authority to initiate compliance with LC 16.291 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.291(2)(a) through (k) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to compliance with the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.291.

(b) The uses and development allowed by LC 16.291(3)(a) through (w) and (a-a) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing commercial structures on the subject property, shall comply with the setback requirements of LC 16.291(6)(a) through (b) below, and shall not extend the commercial uses and development beyond the area of the existing commercial uses and development. The area of the existing commercial uses and development shall include all existing structures and outside areas used for the commercial use such as private drives, off street parking and loading areas, and outside storage areas; or

(ii) The use and development shall be a minor addition to a commercial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.291 was applied to the subject property and shall not be closer to a property line than the closest portion of existing commercial structures meeting the setbacks required by LC 16.291(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director a ministerial application for verification of compliance with conditions. The Director shall determine if the addition to a commercial structure complies with this condition; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.291(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.291(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16 and is not illuminated.

(v) Structures permitted by LC 16.291(2)(b)(ii) and (iii) above shall comply with the floor area and lot or parcel coverage requirements of LC 16.291(4)(a) below.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground utility lines that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.291(2)(c) above shall be maintained.

(d) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are breed or sold, or where dogs receive medical care.

(e) Fish and wildlife habitat management.

(f) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing commercial use permitted by LC 16.291(2)(a) through (b) above or (3)(a) through (w), (a-a) or (b-b) below and located on the same lot or parcel as the existing commercial use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the structure as a single family living quarters.

(g) A single family dwelling or manufactured dwelling in conjunction with an existing commercial use provided there is no other dwelling or single family living quarters on the same tract.

(h) ~~Transportation facilities, services and improvements that are authorized by OAR 660-012-0065(3) and (4) and that are part of an adopted Transportation System Plan.~~ **facilities and uses as specified in LC 16.265(3)(a) through (m).**

(i) Not more than one bed and breakfast accommodation on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(j) Not more than one residential home on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(k) Uses and development accessory to existing uses and development permitted by LC 16.291(2)(a) through (j) above or (3)(a) through (c-c) below.

(3) **Uses and Development Subject to Approval by the Director.** The uses and development in LC 16.291(3)(a) through (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (b-b) through (c-c) below, are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.291(4)(a) through (i) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) Retail trade of products, including: food, new general merchandise, second-hand general merchandise in an enclosed building; and building materials, hardware or farm equipment.

(b) Retail trade of hay, grains or goods for animal consumption or care.

- (c) Retail trade of services, including: personal, finance, insurance, banking, real estate, and professional.
- (d) Restaurants.
- (e) Bars, nightclubs, taverns or brewpubs.
- (f) Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.
- (g) Medical or veterinarian clinic.
- (h) Service stations and auto repair garages.
- (i) Bus passenger terminals.
- (j) Boat charter and rental, including fishing equipment.
- (k) Outdoor tourist attractions featuring displays of educational or historical value.
- (l) Day camp and picnic areas.
- (m) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.
- (n) Indoor or outdoor theaters.
- (o) Post Office facilities.
- (p) Equipment rental and leasing service.
- (q) Recreational vehicle or boat storage, sales, repair and subordinate boat building that comprises less building floor area than used for boat sales or rentals.
- (r) Marina.
- (s) Outdoor car or truck sales lots, indoor truck or auto repair, and not including the outdoor storage of inoperable vehicles.
- (t) A commercial kennel or a commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.
- (u) Motels or hotels with up to 35 units that meet the following conditions:
 - (i) They are located at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5; and
 - (ii) They are served by a "community sewer system" that means, "A sewage disposal system with connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community."
- (v) A recreation vehicle park that may include individual electrical, water and sanitation disposal system hookups. A sanitation disposal system approved by DEQ or a centralized, pump-out vault may be provided for off-loading in compliance with ORS. The stay limit for a recreational vehicle shall not exceed 90 days in any calendar year or consecutive six-month period.
- (w) Communication facilities including but not limited to those for radio, television, computers, or satellites.
- (x) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.
- (y) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.
- (z) Overnight accommodations that shall:
 - (i) Have no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Have only minor incidental and accessory retail sales;
 - (iii) Be occupied only temporarily for the purpose:

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Bold indicates material being added

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16.291

Lane Code

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16.291

(aa) Of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission if located within ¼ mile of fish bearing Class I waters, or

(bb) Of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and wildlife Commission; and

(iv) The Approval Authority may impose appropriate conditions.

(a-a) A short term stay facility for the homeless or transients that may include the provision of food and clothing for those staying in or visiting the facility provided the facility shall:

(i) Be operated by a nonprofit organization;

(ii) Contain no more than five bedrooms or sleeping rooms; and

(iii) Limit the stay to no more than 29 consecutive days.

(b-b) Uses and development similar to uses and development allowed by LC16.291(3)(a) through (a-a) above if found by the Director to be clearly similar to the uses and development allowed by LC 16.291(3)(a) through (a-a) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.291(1) above.

(ii) When compared with the uses and development permitted by LC 16.291(3)(a) through (a-a) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use and development;

(cc) Parking demand, customer types and traffic generation; and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) The use and development shall not include factories, warehouses, freight terminals, or wholesale distribution centers.

(vi) The use and development shall comply with LC 16.291(4)(a) through (h) below.

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

(c-c) An expansion of a lawfully existing commercial use that shall:

(i) Not result in more than a 50% increase in the total square foot floor area devoted to the commercial use that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; or

(ii) Not result in more than a 50% increase in the number of temporary overnight accommodations that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; and

(iii) Be used primarily by rural residents and/or tourists.

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

(4) Criteria. New uses or development allowed by LC 16.291(3)(a) through (c-c) above, except for telecommunications facilities allowed by LC 16.291(3)(x) above,

shall comply with the criteria in LC 16.291(4) below. Telecommunications facilities allowed by LC 16.291(3)(x) above shall comply with the requirements in LC 16.264.

(a) Floor Area and Lot or Parcel Coverage. If located in an area designated by the RCP as an unincorporated community, no one commercial building or combination of commercial buildings on a lot or parcel shall contain more than 4,000 square feet of floor area for the same commercial use unless the conditions in LC 16.291(4)(a) below are met. If not located in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,000 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing at least 750 square feet of floor area used for other permitted commercial uses). A country store located outside an area designated by the RCP as an unincorporated community may contain a maximum of 3,750 square feet of floor area. An exception to the 4,000 or 3,000 commercial building square feet floor area requirement in LC 16.291(4)(a) above may be allowed if it complies with these requirements:

(i) The exception shall be adopted by ordinance as part of an amendment to the RCP for a specific lot or parcel.

(ii) The exception shall be for an expansion of up to 50% of the existing square feet building floor area used for commercial uses.

(iii) The existing and proposed commercial uses shall:

(aa) Provide goods and services to primarily rural residents or persons traveling through the area;

(bb) Notwithstanding the small-scale commercial building floor area limits in OAR 660-022-0030(10), comply with OAR 660-022 (for commercial uses located inside unincorporated communities) or with the Statewide Planning Goals (for commercial uses located outside unincorporated communities); and

(cc) Fit within the uses allowed by LC 16.291(2) and/or (3) above.

(iv) No more than one exception pursuant to LC 16.291(4)(a) shall be allowed for the same lot or parcel.

(b) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(c) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(d) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

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

(f) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

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

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

(i) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(j) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

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

(6) Property Development Standards. All uses and development permitted by LC 16.291(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

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

(ii) At least 10 feet from all other property lines except as required in LC 16.291(6)(b) and (c) below.

(b) 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 Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

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

(d) Signs.

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

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

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

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are permitted by LC 16.291(2)(a) through (j) or (3)(a) through (c-c) above and that are conducted on the same premises where the signs are located; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

RURAL INDUSTRIAL ZONE (RI, RCP)

RURAL COMPEHENSIVE PLAN

16.292 Rural Industrial Zone (RI, RCP).

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director a ministerial application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with this condition; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below, and is not illuminated; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained.

(d) Fish and wildlife habitat management.
(e) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e) below and located on the same lot or parcel as the existing industrial use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.

(f) ~~Transportation facilities, services and improvements that are authorized by OAR 660-012-0065(3) and (4) and that are part of an adopted Transportation System Plan.~~ **facilities and uses as specified in LC 16.265(3)(a) through (m).**

(g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (m) below, are allowed subject to: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (g) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size.

(b) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 10,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as an unincorporated rural community; or

(ii) 7,500 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area that is not designated by the RCP as an unincorporated rural community by the RCP.

(c) Forest or farm equipment storage yards, sales, rental or repair.

(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC

16.292(3)(b) above shall comply the floor area requirements of LC 16.292(3)(b)(i) or (ii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(c) below.

(g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(h) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if found by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.292(1) above.

(ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site.

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

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

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any new building that exceeds 10,000 square feet of floor area if the building is located in an area designated by the RCP as an unincorporated community, or 7,500 square feet of floor area if the building is located outside an area that is not designated by the RCP as an unincorporated community.

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

(l) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the industrial use on it.

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

(i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);

(ii) Be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

(iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;

(iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion; and

(v) Not create a hazardous natural condition such as erosion, landslide or flooding.

(n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.

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

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k) and (n) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

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

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

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

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

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

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

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

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) 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 Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

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

(d) Signs.

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

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

(iii) Signs shall not exceed 200 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

**RURAL PUBLIC FACILITY ZONE (RPF, RCP)
RURAL COMPREHENSIVE PLAN**

16.294 Rural Public Facility Zone (RPF, RCP).

(1) Purpose. The purposes of the Rural Public Facility Zone (RPF, RCP) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed exception lands. LC 16.294 applies only to developed and committed exception lands;

(b) To provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual uses not normally associated with other zones;

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

(d) LC 16.294 is not retroactive. The Director has no authority to initiate compliance with LC 16.294 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.294(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to compliance with the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.294.

(b) The uses and development authorized by LC 16.294(3)(a) through (q), (s) and (t) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The uses and development shall not change the number, size or location of existing public facility structures on the subject property and shall not extend the public facility uses and development beyond the area of the existing public facility uses and development. The area of the existing public facility uses and development shall include all existing structures and outside areas in public facility use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.294(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a public facility structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.294 was applied to the subject property and shall not be closer to a property line than the closest portion of existing public facility structures meeting the setbacks required by LC 16.294(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance with conditions. And, the Director shall determine if the addition to a public facility structure complies with this condition; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.294(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.294(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16 and is not illuminated.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground utility lines that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.294(2)(c) above shall be maintained.

(d) Fish and wildlife habitat management.

(e) ~~Transportation facilities, services and improvements that are authorized by OAR 660-012-0065(3) and (4) and that are part of an adopted Transportation System Plan.~~ facilities and uses as specified in LC 16.265(3)(a) through (m).

(f) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

- (i) No more than two dogs shall be used for breeding.
- (ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(g) Uses and development accessory to existing uses and development allowed by LC 16.294(2)(a) through (f) above or (3)(a) through (v) below.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) Electric utilities such as: a generation plant, transmission facilities, right-of-ways, electricity regulating substations, and other facilities related to electricity generation and distribution.

(b) Gas utilities such as: gas pipeline right-of-way, gas storage and distribution and gas pressure control substations.

(c) Water utilities such as: water treatment plants, water storage, intake and outtake facilities, water pipeline right-of-way, and other facilities related to water treatment and storage.

(d) Sewage disposal including but not limited to: sewage treatment plants, sewage sludge drying beds and sewage pressure control stations.

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

(f) Educational facilities and services such as: nursery, primary and secondary education; colleges and professional schools; special training schools such as those for: vocations, trades, arts, music, dancing, driving, gymnastics and correspondence. Such uses must be located inside an unincorporated community.

(g) National Guard centers and meeting halls within one-half mile radius of Lane Community College.

(h) Religious activities such as: churches, synagogues, temples, and monastery or covenant.

(i) Welfare and charitable services. Such uses must be located inside an unincorporated community.

(j) Professional membership organizations. Such uses must be located inside an unincorporated community.

(k) Labor unions and similar organizations. Such uses must be located inside an unincorporated community.

(l) Civic, social and fraternal associations. Such uses must be located inside an unincorporated community.

(m) Business associations. Such uses must be located inside an unincorporated community.

(n) Sports assembly for lands owned and operated by public or private schools for primary, secondary or college education such as: stadiums or grandstands, foot race tracks, ball playing fields, and basketball, volleyball or tennis playing courts. Such uses must be located inside an unincorporated community or for schools that provide education primarily for rural residents living in the area.

(o) Governmental services, such as: post office, fire station and sheriff or police station. Such uses must be located inside an unincorporated community.

- (p) Cemeteries.
- (q) Health services such as: dental or medical offices or clinics, dental or medical laboratory, and convalescent and rest homes. Such uses must be located inside an unincorporated community.
- (r) Communication facilities, such as: internet station and offices; radio station, studio and towers; and TV station, studio and towers.
- (s) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.
- (t) Heliport.
- (u) Uses and development similar to uses and development permitted by LC 16.294(3)(a) through (t) above if found by the Director to be clearly similar to the uses and development permitted by LC 16.294 (3)(a) through (t) above. Such a finding shall be made by the Director, and shall comply with the following criteria:
 - (i) The use and development shall be consistent with the purpose in LC 16.294(1) above.
 - (ii) When compared with the uses and development permitted by LC 16.294(3)(a) through (t) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:
 - (aa) Goods or services traded from the site;
 - (bb) Bulk, size, and operating characteristics of the proposed use and development;
 - (cc) Parking demand, customer types and traffic generation;and
 - (dd) Intensity of land use of the site.
 - (iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.
 - (iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
 - (v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
- (v) A single family dwelling for a caretaker that meets the following conditions:
 - (i) The single family dwelling shall be for a caretaker in conjunction with an existing public facility use permitted by LC 16.294(2)(a) through (d) or (3)(a) through (u) above and located on the same lot or parcel as the existing public facility use;
 - (ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and
 - (iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from portion of the same lot or parcel with the public facility use on it.
- (w) **Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).**
- (4) Criteria. New uses or development allowed by LC 16.294(3)(a) through (u) above, except for telecommunications facilities allowed by LC 16.294(3)(s) above, shall comply with the criteria in LC 16.294(4) below. Telecommunications facilities allowed by LC 16.294(3)(s) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

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

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

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

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

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

(6) Property Development Standards. All uses and development permitted by LC 16.294(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

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

(ii) At least 10 feet from all other property lines except as required in LC 16.294(6)(b) and (c) below.

(b) 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 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.

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
16.295 Lane Code

**LEGISLATIVE
FORMAT
16.295**

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

(d) Signs.

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

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

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

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are permitted by LC 16.294(2)(a) through (g) or (3)(a) through (v) above and that are conducted on the same premises where the signs are located; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

RURAL PARK AND RECREATION ZONE (RPR, RCP) RURAL COMPREHENSIVE PLAN

16.295 Rural Park and Recreation Zone (RPR, RCP).

(1) Purpose. The purposes of the Rural Park and Recreation Zone (RPR, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to recognize existing park and recreation areas by applying the RPR, RCP zone to these areas; to provide objective land use and siting criteria in order to allow the uses and development indicated in the State Park Master Plan, the Lane County Parks Master Plan or privately developed recreation uses on developed and committed (D&C) lands; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.295 is not retroactive. The Director has no authority to initiate compliance with LC 16.295 for lawfully (per LC Chapter 16) existing uses and development.

(2) Permitted Uses and Development. The uses and development in LC 16.295(a) through (n) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.295.

(b) The uses and development authorized by LC 16.295(3)(a) through (k) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with the following conditions:

(i) The use and development shall not change the number, size or location of existing park and recreation structures on the subject property and shall not extend the park and recreation uses and development beyond the area of the existing park and recreation uses and development. The area of the existing park and recreation uses and development shall include all existing structures and outside areas used for park and recreation use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.295(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a park and recreation structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.295 became applicable to the subject property and shall not be closer to a property line than the closest portion of existing park and recreation structures meeting the setbacks required by LC16.295(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance. And, the Director shall determine if the addition to a park and recreation structure complies with this condition; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC16.295(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.295(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.295(6)(a) through (b) and is not illuminated.

(c) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing park and recreation use permitted by LC 16.295(2)(a) or (b) above or (3)(a) through (k) or (o) below and located on the same lot or parcel as the existing park and recreation use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the park and recreation use on it.

(d) Farm use or forest operations or forest practices including, but not limited to, reforestation of forestland, forest road construction and maintenance, harvesting of a forest tree species, and disposal of slash.

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

(f) Fishing without any lodging accommodations.

(g) Aids to navigation and aviation.

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

(i) Forest management research and experimentation facilities as defined by ORS 526.215.

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

(k) Public and semipublic structures and uses rendering direct service to the public in local areas, such as utility substations, pump stations, wells, and underground utility lines or above ground utility lines that do not require a right-of-way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.295(2)(k) above shall be maintained.

~~(l) Transportation facilities, services and improvements that are authorized by OAR 660-012-0065(3) and (4) and that are part of an adopted Transportation System Plan.~~ facilities and uses as specified in LC 16.265(3)(a) through (m).

(m) The following uses and developments that are included as part of an adopted State Master Park Plan or adopted Lane County Parks Master Plan that comply with OAR Division 34, State and Local Park Planning:

(i) Campgrounds that are used for temporary overnight camping including: recreational vehicle sites, tent sites, camper cabins, yurts, teepees, covered wagons, group shelters, and campfire program areas.

(ii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools unless located in a developed and committed lands exception area), open play fields, play structures;

(iii) Recreational trails: walking, hiking, biking, horse, or motorized off road vehicle trails; trail staging areas;

(iv) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;

(v) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;

(vi) Support facilities serving only park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(vii) Park maintenance and management facilities located within a park; maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;

(viii) Natural and cultural resource interpretative, educational and informational facilities: interpretive centers, information/orientation centers, self-supporting interpretative and information kiosks, natural history or cultural museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores in state parks not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education;

(ix) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(aa) Meeting halls not exceeding 2,000 square feet of floor area;

(bb) Dining halls (not restaurants).

(n) Uses and development that are accessory to existing uses and development permitted under LC 16.295(2)(a) through (m) above or (3)(a) through (o) below.

(3) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) Golf course.

(b) Riding stables.

(c) Yachting clubs.

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

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

(f) A clubhouse for an existing golf course. The clubhouse may include a restaurant, retail trade of food or new general merchandise, and recreation areas.

(g) A State or Lane County Park that is located on developed and committed exception area lands and that is not included in an adopted master park plan. These parks may include any of the uses mentioned in LC 16.295(2)(m) above.

(h) Race track.

(i) Recreational shooting.

(j) Airport and flying field.

(k) Expansion of lawfully (in terms of LC Chapter 16) existing uses.

(l) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(m) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264

(n) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(o) Uses and development similar to uses and development allowed by LC16.295(3)(a) through (n) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.295(3)(a) through (n) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.295(1).

(ii) When compared with the uses and development permitted by LC 16.295(3)(a) through (n) above, the use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use;

and

(cc) Parking demand, customer types and traffic generation;

and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

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

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

(4) Criteria. New uses or development allowed by LC 16.295(3)(a) through (o) above, except for telecommunications facilities allowed in LC 16.295(3)(m) above, shall comply with the criteria in LC 16.295(4) below. Telecommunications facilities allowed by LC 16.295(3)(m) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

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

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

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

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to comply with LC 16.295 and other requirements of LC Chapter 16. Land divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development allowed by LC 16.295(2) and (3) above shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

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

(ii) 10 feet from all other property lines except as provided below, in LC 16.295(6)(b) and (c).

(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 Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.

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

(d) Signs.

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

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

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

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Lane Code

- (iii) Signs shall advertise uses and development that are conducted on the property.
- (iv) Signs shall not project above the height of the tallest structure on the property.
- (v) Signs shall not contain more 200 square feet in area.
- (e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

LAND DIVISIONS RURAL COMPREHENSIVE PLAN

16.300 Land Divisions.

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.010. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

RURAL COMPREHENSIVE PLAN AMENDMENTS RURAL COMPREHENSIVE PLAN

16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) ~~Rural Transportation~~ **Transportation System Plan** (Adopted by Ordinance No. 3-80 **and Amended by Ordinance No. 10-04**).

(ii) Willamette Greenway Plan Ordinance No. 783).

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to LC 14.300.

(ii) Notice of the time and place of hearing shall be given, pursuant to LC 14.300.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to LC 14.300.

(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to LC 14.300.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; OR

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official s consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal;

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02)*

**LANE MANUAL ORDER
AND
REPLACEMENT PAGES, LM 15 & 60**

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTERS 15
AND 60 OF THE LANE MANUAL TO ADOPT NEW
AND REVISED POLICIES AND STANDARDS
APPLICABLE TO ROADS IN LANE COUNTY.

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapters 15 and 60 are hereby amended by removing, substituting and adding the following sections:

REMOVE THIS SECTION

NONE

15.015 through 15.245
as located on pages 15-1 through 15-9
(a total of 9 pages)

15.260 through 15.450
as located on pages 15-9 through 15-13
(a total of 5 pages)

15.510 through 15.515
as located on page 15-16
(a total of 1 page)

15.530 through 15.755
as located on pages 15-16 through 15-23
(a total of 8 pages)

15.810 through 15.815
as located on pages 15-24 through 15-25
(a total of 2 pages)

15.826
as located on pages 15-25 through 15-27
(a total of 3 pages)

15.855 through 15.865
as located on pages 15-27 through 15-28
(a total of 2 pages)

INSERT THIS SECTION

15.001 through 15.002
as located on page 15-1
(a total of 1 page)

15.015 through 15.245
as located on pages 15-1 through 15-10
(a total of 10 pages)

15.260 through 15.450
as located on pages 15-10 through 15-15
(a total of 6 pages)

15.510 through 15.515
as located on pages 15-15 through 15-16
(a total of 2 pages)

15.530 through 15.580
as located on pages 15-16 through 15-19
(a total of 4 pages)

15.810 through 15.815
as located on pages 15-20 through 15-21
(a total of 2 pages)

15.826
as located on pages 15-21 through 15-23
(a total of 3 pages)

15.855 through 15.865
as located on pages 15-23 through 15-24
(a total of 2 pages)

15.910
as located on pages 15-28 through 15-29
(a total of 2 pages)

15.910
as located on page 15-25
(a total of 1 page)

15.920 through 15.930
as located on pages 15-29 through 15-31
(a total of 3 pages)

15.920 through 15.930
as located on pages 15-25 through 15-27
(a total of 3 pages)

60.854
as located on pages 60-29 through 60-30
(a total of 2 pages)

60.854
as located on pages 60-29 through 60-30
(a total of 2 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to adopt new and revised policies and standards applicable to roads in Lane County.

The changes in this Order shall take effect on the 30th day after being adopted.

Adopted this _____ day of _____ 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 3-29-2004 Lane County


OFFICE OF LEGAL COUNSEL

Chapter 15

ROADS

15.001 General Purpose.

The general purpose of this chapter is to consolidate and coordinate policies and standards applicable to the oversight, management, and maintenance of Public Roads and County Roads in Lane County.

(1) It is intended that County Roads be maintained and designed by the County to provide for a high level of safety, utility, and efficiency for vehicular and pedestrian traffic.

(2) It is further recognized that although the County does not maintain certain public roads (Public Roads, or Local Access Roads, as defined in LC 15.010(35)) the County has an inherent responsibility to adopt and enforce regulations that provide for a level of public safety and local access, as specified in this Chapter, on these roads.

(3) The provisions in this chapter will be used in combination with the requirements of LC Chapter 15 in order to ensure the General Purpose of this chapter is accomplished in a manner that is fair and equitable to Lane County citizens.

15.002 Definitions.

(1) The definitions found in LC 15.010 shall apply unless otherwise specified in this chapter.

(2) As used in this chapter and unless specified otherwise, "Director" shall mean the Director of Public Works or the Director's delegated representative.

(3) As used in this chapter and unless specified otherwise, "the Department" shall mean the Lane County Department of Public Works.

ROAD NAMING AND RENAMING

15.005 Authority.

The following procedures and requirements relating to the naming or renaming of roads in Lane County are hereby adopted pursuant to authority granted Lane County by ORS Chapter 215, Lane Code Chapter 15 and the Lane County Home Rule Charter. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.010 Purpose.

The procedures set forth herein are for the purpose of establishing a uniform policy in Lane County for the naming or renaming of roads. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the naming and renaming of roads. In addition, it provides the public with an outline of the required process for road naming and renaming. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.015 Required Review and Action.

The Board of County Commissioners shall review and take appropriate action on all road naming and renaming when:

(1) Any existing public or County road is named or renamed.

(2) Any new public or County road is established. (3) Any private road or private road easement requires a name in order to promote the health, safety, and welfare of the public. Private driveways serving a single lot, parcel, area or tract of land shall not be named under these provisions. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.020 Application.

(1) An application to name or rename a road shall be submitted to the Director and shall include, at minimum, the following:

- (a) Name and mailing address of applicants.
- (b) Location of road by description or map.
- (c) Legal status of road, if known.
- (d) Existing road name, if known.
- (e) Proposed road name.
- (f) Reason for request.
- (g) Petition(s) attached, if any.
- (h) Applicable Fee: per LM 60.854(5).

(2) The application may be submitted by any of the following applicants.

(a) Fifty percent (50%) or more of the property owner(s) or persons living along the road.

(b) Any public or semipublic agency whose function is affected by road names.

(c) Lane County:

- (i) Board
- (ii) Planning Commission
- (iii) Land Management Division
- (iv) Department of Public Works
- (v) Department of Assessment and Taxation
- (vi) Sheriff's Department

(3) The proposed name should comply with the following standards:

- (a) Name limited to maximum of 20 characters.
- (b) No duplication with other existing road names.
- (c) No similar sounding or confusing names.
- (d) No names with post-directional language (i.e., "North", "South")
- (e) No names with punctuation.
- (f) No names that are alpha/numeric (i.e. a combination of letters and numbers).
- (g) No names that contain a road type within the road name (such as "Loop Lane").
- (h) Roads shall not contain an abbreviated MT (mount/mountain) or ST (saint) without another word following (ex: Shasta MT Rd is not acceptable, MT Shasta Rd. is acceptable).
 - (i) There must be a valid road type following the road name.
 - (j) "Trail" is acceptable as part of a road name but not as a road type (ex: Deer Trail is not acceptable, Deer Trail Rd is acceptable). *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.025 Processing.

The Department shall have the responsibility for processing applications for road naming and renaming. Applications shall be processed by Board order and with a public hearing if the application is signed by fewer than one hundred percent (100%) of the adjoining property owners, or if any objection is raised by an affected department or agency and is unable to be resolved. Applications may be processed by Board order and without a public hearing if the application is signed by one hundred percent (100%) of the adjoining property owners and if there are no objections raised by an affected Department or agency. The Department shall perform such function in the following manner:

- (1) Verify legal status of road.
- (2) Check proposed road name(s) to avoid duplication or similarity with other existing road names and with those on approved preliminary land divisions.
- (3) Perform field check when necessary.
- (4) Assist applicant or other affected person(s) to find alternate names when required.
- (5) Notify appropriate Departments and agencies.
- (6) Where appropriate, mail questionnaire to owners of all property abutting the road to determine general consensus concerning proposed road name.
- (7) If a road naming order is required, prepare recommendation and order on the proposed road name for the Board.
- (8) Determine appropriate Board meeting date.
- (9) If there is a public hearing, give notice of the hearing by publication in an appropriate newspaper as required by the Charter and, if appropriate, by proper posting along the road and/or by mailing notices to owners of all property abutting the road. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.030 Board Action.

- (1) Following receipt of a recommendation and order for a Road naming or renaming, the Board shall consider such recommendation and proposed order at a regular Commissioners' meeting.
- (2) Following action by the Board, the Department will notify the original applicant for the road naming or renaming of the Board's action.
- (3) Copies of an approved order naming or renaming a road shall be sent by the Department to the following:
 - (a) Department of Public Works.
 - (i) Transportation Planning.
 - (ii) Planning Program.
 - (iii) Rural Addressing Program.
 - (b) Department of Assessment and Taxation.
 - (c) Post Office.
 - (d) L-COG.
 - (e) Telephone Company.
 - (f) Local Fire Department.
 - (g) Local School District.
 - (h) Local Power Company.
 - (i) Local Water District.
 - (j) Gas Company.
 - (k) City (if appropriate).
 - (l) State (as appropriate).
 - (i) Police.
 - (ii) Highway Department.
 - (m) Lane County Local Government Boundary Commission. *(Revised by Order No. 94-11-22-4, Effective 11.22.94)*

15.035 Completion.

- (1) Original material shall be filed in the Department.
- (2) Road signs shall be painted and installed without charge by the Department (except original signs in divisions and interior private roads).
- (3) County maps and files shall be updated as appropriate. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

PUBLIC ROAD DEDICATIONS AND ACCEPTANCE

15.105 Authority.

The following procedures and requirements relating to the processing of dedications and acceptance of right-of-way for public roads in Lane County are hereby adopted pursuant to authority granted Lane County by ORS Chapters 215 and 368, Lane Code Chapter 12, and the Lane County Home Rule Charter. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.110 Definition - Public Road.

A road over which the public has a right of use that is a matter of record. For purposes of this Chapter, a public road is a road that has been dedicated for use by the public for road purposes either by good and sufficient deed presented to and accepted by the Board, or by subdivision plat presented to and accepted by the Board. Once placed on record, public roads are held in trust for the public by the County, and shall specifically exclude private roads, private ways, private access easements or agreements, Forest Service roads, Bureau of Land Management roads, any Gateway or Way of Necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character" by prescriptive or adverse use. A public road is not normally maintained by the County, but the County can regulate its use. Common terms for this type of road are "Dedicated Public Road" and "Local Access Road." *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.115 Purpose.

The procedures and requirements set forth herein are for the purpose of establishing a uniform policy in Lane County for the processing of applications for dedication **and/or acceptance by the County of roads or streets as public rights-of-way**. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and departments involved in the review and processing of road dedications **and/or County acceptance of such roads as public roads as defined in LM 15.110**. It is further intended that this policy shall provide the public with a set of standard guidelines indicating the required steps to be followed in the processing of road dedications **and/or acceptance by the County**.

(1) Applicability. These procedures and requirements shall apply to all public road dedications and/or acceptances when

- (a) The proposed roadway dedication/acceptance is for the purpose of:
 - (i) Widening a public road, or
 - (ii) Establishing or extending an existing but undedicated or unaccepted road as a public road; or
 - (iii) Establishing a new public road¹; or
- (b) Review of a roadway dedication and/or acceptance is specifically requested by the Board or any administrative officer of the County. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

¹ Road dedications included in a subdivision plat shall be reviewed, and action shall be taken, in accordance with the provisions of LC Chapter 13 "Subdivision" and the requirements of LC Chapter 15 "Roads."

15.120 Required Review and Action.

The Planning Director, Planning Commission and the Board shall review and take appropriate action on all proposed public road dedications **and/or acceptances** as follows:

(1) The Planning Director shall review all proposed road dedications **and/or acceptances** and may take action on those dedications **and/or acceptances** meeting certain requirements which are for the purpose of widening an existing public road. All other proposed dedications **and/or acceptances** shall be forwarded to the Planning Commission with a recommendation.

(2) The Planning Commission shall review all proposed road dedications **and/or acceptances** which are for the purpose of establishing, widening or extending a public road not conforming to the adopted Transportation System Plan and requirements of LC Chapter 15. In addition, the Planning Commission shall review those roadway dedications and/or acceptances specifically requested for review by the Board or any administrative officer of the County.

(3) The Board shall review all proposed road dedications **and/or acceptances** with an affirmative Planning Director or Planning Commission recommendation or those appealed to the Commissioners as provided herein. Before any road dedication and/or acceptance can obtain the status of a "public road" it shall be accepted and placed on record by the Board. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.125 Application.

(1) An application to dedicate right-of-way for a public road and/or for County acceptance of said right-of-way shall be submitted to the Land Management Division and shall include, at minimum, the following:

- (a) Name of applicant.
- (b) Location of proposed dedication/acceptance by description and Assessor's Map.
- (c) Legal status of existing road, if known.
- (d) Name of road, if known.
- (e) Purpose or reason for dedication.
- (f) Petition(s) attached, if any.
- (g) Title report or subdivision guarantee.
- (h) Fee as provided in LM 60.851(4).
- (i) If the application is for acceptance of a road that was previously dedicated to but never accepted by the County, the following additional information shall be provided:

- (i) Copy of subdivision or partition plat/map.
- (ii) Copy of recorded survey(s), if any portion of the road was surveyed.
- (iii) Copy of recorded subdivision or partition plat/map.
- (iv) Copy of any subsequent replat(s).

- (2) An application may be submitted by any of the following applicants:
- (a) Property owner(s) on matters relating to establishing an existing but undedicated road and/or unaccepted or extensions of road(s) not involving a subdivision.
 - (b) The Board.
 - (c) Department.
 - (d) Land Management Division on matters relating to subdivisions, zoning and other land development applications.

(e) Building Division on matters relating to LC Chapter 11 pertaining to minimum right-of-way requirements on existing public roads. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.130 Processing - Land Management Division.

The Land Management Division shall have the responsibility for processing applications for dedications and/or acceptances of public roads and shall perform such functions in the following manner:

- (1) Review application for conformity with the Comprehensive Plan for Lane County, Lane Code and all applicable road policies and standards which have been adopted by the County.
- (2) For existing roads:
 - (a) Verify or determine existing legal status;
 - (b) Verify available information as to actual location of the road.
- (3) Notify appropriate Departments and agencies.
- (4) Forward application and recommendation or comments to the Planning Director or Planning Commission, as required, for action.
- (5) Notify the applicant of the action by the Planning Director or Planning Commission within five days of such action.
- (6) Transmit a request for deed preparation to the County Surveyor's Office following favorable action by the Planning Director or Planning Commission. The request shall include:
 - (a) Date of Planning Director or Planning Commission action.
 - (b) Initiating body or persons.
 - (c) General description of the proposed dedication and/or acceptance.
 - (d) Legal property owner(s), if known.
 - (e) Signed deed order. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.135 Planning Director Action.

The Planning Director shall review all applications for road dedications/acceptances and shall take appropriate action as follows:

- (1) The application shall be forwarded for Board action, with a recommendation to accept the dedication if the application is determined to be for the purpose of widening an existing public road and which widening conforms to the Road Design Standards of LC Chapter 15, other applicable Lane Code provisions, and is compatible with the County Comprehensive Plan.
- (2) The application shall be forwarded to the Planning Commission for action if the Director determines the proposed dedication is not compatible with the Comprehensive Plan for Lane County or the requirements of any chapter of the Lane Code or the dedication is for the purpose of establishing any new public road. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.140 Planning Commission Action.

- (1) The Planning Commission shall review the application and any reports and recommendations thereon at a public hearing. At the hearing the Commission may:
 - (a) Recommend approval of the application to the Board if it determines that the dedication/acceptance conforms to all applicable laws, standards and requirements governing the dedication and/or acceptance of roadways;
 - (b) Deny the application; or
 - (c) Postpone action to allow further study.

(2) Recommendation for denial or rejection shall be final unless appealed to the Board within 10 days from the date of the Planning Commission action. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.145 Surveyor's Office Procedure.

(1) Following receipt of a Land Management Division request for deed preparation, the County Surveyor shall prepare an appropriate deed which shall be returned to the applicant for the proper signature(s) from the legal property owner(s).

(2) The applicant returns the signed deed to the Surveyor's Office where a deed order is prepared for presentation at the next regular meeting of the Board. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.150 Board Action.

(1) The Board shall review all applications and any reports and recommendations thereon at a regular Board meeting upon:

(a) The presentation by the County Surveyor of an affirmative Planning Director or Commission recommendation, a signed deed form and a road dedication order; or

(b) The receipt of an appeal of the Planning Commission's action by the applicant or any affected party; or

(c) The receipt of an appeal of the Planning Commission's failure to act within 30 days after the filing of an application.

(2) In the case of an appeal the Board shall, within 20 days of such appeal, set a time and place for a public hearing on the appeal and shall notify affected persons of the hearing. If, at the appeal hearing, the Board determines that the proposed application should be approved it shall so indicate and transmit a request to the Surveyor's Office for preparation of a deed and road dedication order.

(3) Following any affirmative action on the application, the Board shall forward the deed and signed order to the County Clerk's Office for recording.

(4) The Board shall notify all applicants of its action and in the case of non-acceptance it shall return all appropriate material to the applicant with an explanation for such action. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

15.155 Completion - Recording and Filing.

(1) The County Clerk's Office shall forward copies of recorded deeds and all other pertinent information to the County Surveyor's Office.

(2) Following final action, the County Surveyor's Office shall notify or distribute materials to departments and agencies who may be affected by the action, as may be required by applicable state and local regulations. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

ACCEPTANCE OF DEDICATED PUBLIC ROADS AS COUNTY ROADS

15.200 Authority.

The following procedures, policy, criteria, and standards relating to the acceptance of public roads for maintenance and converting to County road status are adopted pursuant to authority granted Lane County by ORS Chapter 368, LC Chapter 15 and the Lane County Home Rule Charter. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.205 Definition-County Road.

As defined in ORS 368. A public road which is part of the County Road system and has been assigned a County Road number pursuant to ORS 368.016. The Department is responsible for maintenance. A description of each County Road is kept in the Master Road Files in the Lane County Surveyor's office. See also Functional Class definitions in LC Chapter 15.

15.210 Purpose.

The following procedures and requirements are established for the purpose of delineating a uniform policy in Lane County for the acceptance of public roads for maintenance and conversion to County road status. It is intended that this policy will clarify and set the requirements and responsibilities of the individuals, public bodies and Departments involved in the acceptance of public roads. In addition, it provides the public with an outline of the required process for the acceptance of public roads for maintenance and conversion to County road status. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.213 Guidelines for Acceptance.

There is a need to carefully examine acceptance of new mileage into the County Road System. These guidelines are intended to protect the public investment already made in this road system and to make optimum use of available road revenues for the maintenance and improvement of the system. The following guidelines shall be used by the Board when considering acceptance of public roads into the County Road System:

(1) Roads providing local access may be accepted into the County Road System as County Local Roads as defined in LC 15.010(18) if they provide a needed extension or improvement in the overall road network, or to provide access to significant commercial or industrial development or governmental or other public facilities.

(2) Roads created within subdivisions or partitions, primarily providing access to lots, shall be established as private access easements or local access roads (public roads) with appropriate property owner associations or districts providing for maintenance of these roads. Roads serving four or more lots or parcels may be considered for acceptance into the County Road network for purposes of overall road connectivity and to otherwise provide a safe and efficient road network.

(3) Roads that will function as collector roads within subdivisions or partitions may be accepted as County Roads.

(4) Extensions of existing County roads within subdivisions may be accepted as County Roads and classified appropriately according to their function.

(5) Roads providing access to the boundary of national forests or other public lands may be accepted.

15.215 Application.

An application must be in the form of a petition signed by not less than 60 percent of the owners of the land, representing not less than 60 percent of the land abutting the dedicated public road; shall include findings on how the application meets the policy criteria set forth in LM 15.410; and shall state the owners' desire for Lane County to accept the road as a County road. The application shall be submitted to the Director. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.220 Review.

Upon receipt of an application, the Director shall investigate and report his or her findings to the petitioners as to whether or not:

- (1) acceptance of the road under consideration is consistent with the guidelines in LM 15.213 above;
- (2) the road is consistent with applicable criteria set forth in LM 15.410; and
- (3) the road meets the following standards:
 - (a) The road shall be a public road as defined in LM 15.110.
 - (b) The road shall meet the County Road Design Standards found in LC 15.700 through LC 15.708.
 - (c) The road shall be located within the dedicated public right-of-way as verified and certified/stamped by an Oregon-licensed surveyor.
 - (d) The road shall be of benefit to the general public, shall intersect with an existing County road, City street, or State highway, or be an extension of an existing County road.
- (4) Any and all fences, buildings and other structures within any dedicated and accepted County Road right-of-way shall be removed at the expense of the property owners. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.222 Standards in the Event Minimum Road Design Standards Are Not Met.

A public road that does not meet County Road Design Standards specified in LC Chapter 15 may be accepted as a County Road provided it meets the following standards.

- (1) All standards listed in LM 15.220 above, except LM 15.220(3)(b).
- (2) The Director certifies that current and future roadway needs do not necessitate that the County Road Design Standards be met and no safety hazard will be created if the roadway is accepted as a County Road.
- (3) The Director of the Planning Division certifies that current and future planning needs do not necessitate that the County Road Design Standards be met.
- (4) In no event shall a right-of-way be accepted which is less than 30 feet in width. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.225 Report.

The Director shall report findings in writing to the petitioners as follows:

- (1) The road under consideration meets all the standards and policy criteria and will be recommended for acceptance.
- (2) The road does not meet all the standards and policy criteria, but the Director deems it advisable to recommend to the Board of County Commissioners that the standards or policy criteria in question be waived or modified.
- (3) The road does not meet the standards and a waiver of the standards is not recommended. The report shall state an estimated total improvement cost to meet the standards.
- (4) The road does not meet the policy criteria and the petition is denied. The denial shall specify the reasons for the Director's decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.230 Appeal.

Unless appealed to the Board by filing a written notice of appeal with the Director within 15 days from the date the report and action was mailed, the decision of the Director denying the petition shall become final. The appeal shall state how the Director erred in the decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.235 Board Consideration.

(1) If the Director's report to the petitioners indicates LM 15.225(1) above, the Director shall prepare the necessary documents for acceptance as a County road by the Board at a regular meeting of the Board.

(2) If the Director's report is LM 15.225(2) above, the Director shall submit the report with findings and recommendations to the Board, who shall consider the matter at a regular meeting. The Director shall notify the petitioners in writing of the Board action.

(3) If the Director's report is LM 15.225(3) above, the Director shall submit the report with findings and recommendations to the Board, which shall consider the matter at a regular meeting.

(4) If the Director's report is LM 15.225(4) above, and the petitioners appeal the Director's denial, the Board shall consider the appeal at a regular meeting.

(5) When any recommendation of the Director is to be considered by the Board, the Director shall notify the petitioners in advance of the time and place of the hearing. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.240 Board Action.

The Board will consider petitioners' appeal and/or petitioners' action at a regular meeting, at which time the Board may:

(1) Accept by Order the petition request or appeal contingent upon completion of dedication and improvement requirements specified by the Board action.

(2) Reject the petition request or appeal by Order. Rejection by the Board shall be final. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.245 Petitioners' Action.

If the Board action is to accept the petition request contingent upon completion of dedication and improvement requirements under LM 15.240(1) above, the petitioners may take the following action:

(1) Cause the necessary dedications and improvements to be completed in order to meet the standards for acceptance. Improvements shall be inspected and certified at the applicant's expense by an engineer registered in the State of Oregon. The right-of-way and the improved road shall be surveyed and certified by a land surveyor, registered in the State of Oregon.

(2) Request that the dedications and improvements be made in conformance with the procedures as defined in LC 15.600 through 15.645 (Levying, Collecting, and Enforcing Special Assessments). *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.250 Further Action.

If the petition request is accepted, the petitioners shall present Lane County with a good and sufficient legal description of the roadway to be accepted and designated as a County road. This legal description will be reviewed by the Lane County Surveyor's Office and placed on the proper document for dedication and then returned to the petitioners. All further proceedings shall be governed by the provisions of ORS Chapter 368. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

ACCEPTANCE OF PARK ROADS**15.260 Acceptance of Park Roads.**

The following procedures and requirements are established for delineating a process for the acceptance of Park Roads into the County Road System.

(1) A Park Road is a public road providing access within a County Park as defined in LC 6.500.

(2) New Park Roads established after January 1, 1991, shall be designed and constructed to comply with applicable County Road Standards as defined in LC Chapter 15 prior to Board action accepting that road into the County Road System.

(3) Notwithstanding LM 15.215 through 15.250 and the County Road Standards contained in LC Chapter 15, Park Roads established and existing as of January 1, 1991, may be accepted into the County Road System provided that road complies with County Road Standards or varies from County Road Standards as follows:

(a) A Park Road posted as serving one-way traffic shall have a minimum surface travel width of 12 feet provided it is posted, designed for and functionally serves one-way traffic.

(b) A Park Road serving two-way traffic shall have a minimum surface travel width of 18 feet.

(c) A Park Road shall have a minimum right-of-way width of 50 feet, unless the Director recommends acceptance of right-of-way less than 50 feet but in no event shall right-of-way less than 30 feet be accepted.

(4) In County Parks on leased lands, Park Roads may be accepted into the County Road system without formal dedication provided the park land lease documents are recorded and are a matter of public record, and that the road has been designated as a Public Road or Local Access Road by Board Order. Owners of the leased land shall be provided written notice of the proceedings and must consent to the acceptance of Park Roads into the County Road System.

(5) The Director shall issue a written report describing compliance with the standards in LM 15.260(3) above for any proposed addition of Park Roads to the County Road System. If the Director recommends a modification or waiver of the standards, the Director shall include findings in the report that determine whether current and future roadway needs necessitate compliance with the standards and whether a safety hazard will be created if the roadway is accepted into the County Road System. The Parks Manager shall indicate concurrence with the Director's report but, in the event either does not concur, then the matter shall proceed no further and shall not be referred to the Board.

(6) If the Director determines standards for acceptance have been met or if the report recommends a modification or waiver of the standards, then the Director shall prepare and submit the necessary documents to the Board for consideration and action.
(Revised by Order No. 91-1-30-15, Effective 1.30.91)

ROAD VACATIONS

15.300 General Requirements.

Vacation of County Roads pursuant to the process provided in LM 15.305 or conversion of County Roads to Local Access Road or Public Road (non-County maintained) status by withdrawal of County Road status pursuant to ORS Chapter 368 may be considered where little need exists for the road to be part of the County Road System. The following categories of County Roads may be considered by the Board of County Commissioners for vacation or withdrawal of County Road status:

(1) Dead-end roads which serve four or fewer permanent residences.

(2) Roads within National Forest boundaries, within Bureau of Land Management ownership areas, or adjacent to resource land areas under single ownership.

(3) Roads that are undeveloped rights-of-way, are dirt roads, or are not currently maintained by County forces.

(4) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, steep topography, or materials or construction practices, which may result in excessive cost and liability exposure.

(5) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:

(a) The need for a public right-of-way to provide for the orderly development of adjacent property.

(b) The need for public maintenance of the right-of-way.

(c) School bus traffic.

(d) Bridges and the potential for public safety problems associated with bridges.

(e) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.

(f) The potential for landslide and stability problems.

(g) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.

(h) Use by law enforcement or fire protection personnel.

(i) Potential use as detour routes in the case of construction or disaster.

(j) Potential for elimination of right of access that is a matter of public record.

15.305 Vacation Procedures.

The below-listed procedures should be considered the policy of Lane County, and establish certain desirable safeguards in addition to the procedures for vacation of streets, lots, alleys, roads, highways, commons and public squares provided in ORS Chapter 368.

(1) The Surveyor's Office, upon receipt of any petition or resolution of the Board submitted in accordance with ORS Chapter 368, shall send a copy of such petition or resolution to the Planning Director and County Engineer for review.

(2) Upon receipt of such petition or resolution, the Surveyor's Office shall mail to persons owning property adjoining that to be vacated notice of the date, time and place of the hearing.

(3) Prior to the time of the scheduled hearing, the Surveyor's Office shall also contact any public utilities, cities, or other public agencies, which in the judgment of the Surveyor's Office might have an interest in the vacation, and solicit the views of such utilities or agencies regarding the vacation.

(4) When special planning or engineering considerations are involved, and at the discretion of the Planning Director and County Engineer, the petition or resolution may be submitted to the Planning Commission or Roads Advisory Committee for consideration and recommendations as appropriate. Such referral, however, shall not delay the hearing and decision on the petition or resolution by the Board.

(5) Road vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated pursuant to the requirements of LC Chapter 13. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained.

(6) Vacations, other than those by petition, shall be referred to the Roads Advisory Committee for its consideration and recommendations.

(7) The Surveyor's Office shall attach a copy of the affidavit of posting to the final order of vacation prior to its submission to the Board of County Commissioners for action.

(8) The Board shall consider the general requirements of LM 15.300 in making its decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

GENERAL ROAD AND ACCESS POLICIES

15.405 Purpose.

The County Road System is intended to provide a network of roads that provides access to lots, parcels, or developments and connects to the State Highway System, city road systems, to BLM and Forest Service road systems, and to major resource and recreational areas within Lane County. The County Road System provides a circulation network that supports and promotes the economy of Lane County. Lane County strives to promote the health, safety, and welfare of its citizens by providing a safe road surface, pavement markings, signing, drainage, and roadside environment in order to promote safe and efficient travel for the public and to limit the possible liability exposure of Lane County. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

15.410 Criteria.

The statements set forth herein are for the purpose of establishing the minimum criteria to be used in Lane County for the evaluation of the appropriateness of proposed roads that are intended to provide access to lots or parcels. These criteria shall form the basis for determining what requirements may be necessary to insure that there will be adequate provisions available now and in the future to provide for the transportation and utilities needs of lots, parcels, or developments. This evaluation may include review of the relationship of the proposed road to the overall County Road System.

(1) The necessity for being able to travel to and from a permanent residential dwelling is a basic requirement for the development except in very rare circumstances.

(2) It is in the public interest to require adequate, safe and legally-assured access to all developments which is as free as possible from restrictions, and which will not cause undue public costs.

(3) The costs of providing right-of-way and improvements for roads needed to directly serve new or existing developments should be substantially borne by the benefited persons, usually the sub-divider or developer, rather than by the people of the County at large.

(4) A road must serve, in most situations, as the means of access for the following public or semipublic services.

- (a) Fire Service.
- (b) Ambulance Service.
- (c) Police Service.
- (d) Mail Service.
- (e) School Bus Service.
- (f) Public Transit Service.
- (g) Delivery Service.
- (h) Solid Waste Disposal Service.
- (i) Means of addressing to allow others to find dwelling.

(5) A road, besides serving as the means for vehicular access, should also provide area for the following possible utilities:

- (a) Drainageways.
- (b) Electrical Power Lines.
- (c) Telephone Lines.
- (d) Water Lines.
- (e) Fire Control Outlets.

- (f) Sewer Lines.
- (g) Natural Gas Lines.

(6) The access management, road design standards, and other requirements of LC Chapter 15 shall be used in making decisions about the road system in Lane County.

(7) Panhandle lots may be created if they do not hinder future development of the surrounding area. If more than two panhandled lots are used together, they should be established through a formal subdivision or partitioning procedure.

(8) The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.

(9) Paved roads are, all other things being equal, more safe to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance value (dust, noise, etc.).

(10) Road requirements should not, if at all possible, hamper or prevent the development of new concepts and innovations for the development of land or hamper the continuation or extension of a complete transportation network. *(Revised by Order No. 91-5-15-20, Effective 5.15.91)*

ROAD DESIGN STANDARDS/RECOGNIZED ENGINEERING GUIDELINES

15.450 Minimum Road Design Standards/Recognized Engineering Guidelines.

(1) Roads within Lane County shall be designed and developed pursuant to the procedures and requirements of LC Chapter 15, with guidance from applicable policies set forth in LM Chapter 15.

(2) In the absence of a county-adopted standard for a particular design element, the following publications shall be the basis for road design, construction, signing and marking decisions. While these documents are listed in the Transportation System Plan and in LC Chapter 15, Lane Manual includes the publication date of each document below, so the publication dates may be updated by Board Order as newer versions are published:

(a) The following documents published by the American Association of State Highway and Transportation Officials (AASHTO):

(i) A Policy on Geometric Design of Highways and Streets (2001);

(ii) Roadside Design Guide (2002)

(iii) Geometric Design of Very Low Volume Local Roads (ADT < 400) (2001); and

(iv) Guide for Design of Pavement Structures (1993).

(b) The *Manual On Uniform Traffic Control Devices* (MUTCD), (2000) published by the Federal Highway Administration;

(c) The following documents published by the Oregon Department of Transportation (ODOT) and the American Public Works Association (APWA), Oregon Chapter:

(i) Oregon Standard Specifications for Construction (ODOT & APWA, 2002);

(ii) Oregon Standard Drawings (ODOT & APWA, 2002);

(iii) *ODOT Highway Design Manual* (2002);

(iv) *ODOT Hydraulics Manual* (1990);

(v) *ODOT Hydraulics Manual, Volume 2 (Erosion and Sediment Control)* (1999);

(vi) *Oregon Bicycle and Pedestrian Plan* (ODOT, 1995);

(vii) *1999 Oregon Highway Plan* (ODOT).

(d) The *Highway Capacity Manual 2000* published by the Transportation Research Board.

(e) The *Trip Generation*, 7th Edition manual published by the Institute of Traffic Engineers.

PUBLIC ROAD AND RIGHT-OF-WAY POLICIES

15.505 Purpose.

This section shall identify various policies of the Board of County Commissioners adopted in the interest of public safety and preservation and improvement of the public road system in Lane County. (Revised by Order No. 87-6-10-3, Effective 6.10.87)

15.510 Gates, Fences, Cattleguards.

(1) Gates and fences along County Roads or Public Roads as defined in LC 15.010, and built at the option of the property owner shall be constructed to such standards as established in Lane Code. Identification of property lines shall not be the responsibility of Lane County.

(2) Gates, fences and cattleguards will generally not be permitted within public rights-of-way, except as approved by the Director, through the facility permit process established in LC Chapter 15, "Roads." Gates, fences and cattleguards within public rights-of-way without the benefit of a facility permit shall be regarded as unauthorized facilities and subject to the provisions of LC Chapter 15.

(3) Fences will be constructed along road improvement projects initiated by Lane County at public expense when additional right-of-way has been acquired, the adjacent landowner has an existing fence and the new right-of-way line lies beyond the existing fence. Such fencing shall be scheduled and constructed to a standard as determined by the Director. Upon completion, the fence as constructed becomes the property of the adjacent landowner, except on roads functionally classified as arterials. *(Revised by Order No. 87-6-10-3, Effective 6.10.87)*

15.515 Drainage.

(1) Roadside ditches and other drainage facilities shall be designed solely to promote drainage of the roadway without interfering with natural waterways. Whenever a road crosses a natural channel or waterway, culverts shall be installed to maintain the natural water flow. Such natural waterway shall be identified by survey of the topography and/or aerial photography of surrounding terrain.

(2) Water shall not be diverted from a natural channel or otherwise from private property down a roadside ditch unless it appears beneficial to a new road construction project, in which case the Department shall first enter into an agreement with affected property owners regarding the proposed diversion.

(Revised by Order No. 87-6-10-3, Effective 6.10.87)

15.525 Illumination.

Roadway illumination will be provided by the County only as a part of construction or reconstruction of arterial roads within an adopted Urban Growth Boundary, provided an interagency agreement assigning ownership and maintenance of the lighting to another entity is executed prior to construction. The County may provide illumination in other locations under special circumstances such as at traffic signals or high hazard locations. *(Revised by Order No. 89-3-1-18, Effective 3.1.89)*

15.530 Bikeways and Sidewalks.

Bikeways shall be constructed in a manner consistent with adopted goals and policies of the County Transportation System Plan, the respective Transportation System Plans of incorporated cities within the County, the Road Design Standards of LC Chapter 15, and in the absence of County or City standards, the publications specified in LM 15.450(2). Standards may be modified to meet the needs of a particular area at the discretion of the Director. The Department shall coordinate with cities and interested community groups in integration of adopted plans for alternative transportation modes. The Department shall expend at least the minimum funds required by statute to provide for a planned system of bicycle/pedestrian-ways within the unincorporated areas of Lane County. The Department shall, whenever feasible, incorporate into the road improvement projects additional features necessary to provide for travel of bicyclists and pedestrians.

15.540 Mailboxes.

Mailboxes placed within public rights-of-way shall be set back from the traveled surface of the road by sufficient distance to ensure that no part of the mailbox extends over the traveled surface at any time. Materials supporting the mailbox shall be of a type that will not constitute a hazard to the traveling public. The provisions of LC Chapter 15,

"Roads," with regard to facilities within public rights-of-way, are applicable to mailboxes and mailbox supports. Mailbox supports provided by Lane County on road improvement projects will be constructed according to current safety design standards. *(Revised by Order No. 00-9-6-11, Effective 9.6.00)*

15.545 Danger Trees.

The Department shall remove any trees, snags or stumps from public rights-of-way which may endanger the traveling public. Should trees or other objects threatening to fall on public rights-of-way be located on private property, the Director shall notify the property owner of the danger and request that the hazard be removed. The Department will remove the hazard for the property owner if a permit of entry is granted to do so. *(Revised by Order No. 00-9-6-11, Effective 9.6.00)*

15.550 Merchantable Trees.

All merchantable trees to be removed from rights-of-way shall be made available to the underlying fee owner(s) for removal and disposal. In the event the underlying fee owner(s) fail to remove and dispose of such merchantable trees within 30 days from the date of notification, the Department shall remove the trees and retain any revenue that it may generate. *(Revised by Order No. 00-9-6-11, Effective 9.6.00)*

COUNTY IMPROVEMENTS/CITIZEN INVOLVEMENT

15.575 Improvement of the County Road System.

Major improvements to the County road system shall be scheduled through a Five-Year Capital Improvement Program to be reviewed and adopted annually by the Board. Two primary purposes are identified for an established Public Works Capital Improvement Program.

- (1) To allocate limited financial resources to projects which will provide the greatest return in moving people and goods safely and efficiently throughout the County, and
- (2) To provide for the most efficient scheduling and allocation of staff and other resources.

A draft plan shall be submitted to the Board by the Director through the Roads Advisory Committee. Public hearings may be conducted by the Roads Advisory Committee and the Board in adoption of the Capital Improvement Program. *(Revised by Order No. 83-1-4-9, Effective 1.4.83)*

15.580 Citizen Input With Regard to Individual Road Improvement Projects.

With the exception of overlay and bridge reconstruction projects, design concepts for individual capital improvement projects shall be approved by the Board. Prior to Board action, the Roads Advisory Committee shall consider staff recommendations on the design concept and adopt a recommendation for the Board's consideration.

(1) Department staff shall present a report to the Roads Advisory Committee on individual projects listed in the Capital Improvement Program, including proposed alignment, typical section and right-of-way width requirements. As specified below in this section, the Roads Advisory Committee may approve the recommended design concept through the adoption of findings or set a hearing. As part of this process and prior to the hearing, the Board may direct staff to form a stakeholder group to assist the Roads Advisory Committee in making its recommendation.

In deciding whether or not a stakeholder group should be formed or a Roads Advisory Committee hearing should be conducted considerations include but are

not limited to potential impacts on adjacent properties, whether significant alteration of the road or surrounding terrain is involved, such as in major realignment or widening, and whether appreciable impact to surrounding landscape or historical structures might be experienced.

(2) Stakeholder Group. If the Board directs staff to form a stakeholder group the following general guidelines will be used:

(a) Stakeholder Group Formation. Potential stakeholder group members will be contacted by mail and given an adequate time to respond as to whether they wish to participate. The following parties shall be contacted for this purpose:

(i) Local neighborhood association, if applicable.
(ii) State and local agencies having jurisdiction for the project area, including but not limited to the fire protection district, school district, and transit district.

(iii) Property owners adjacent to the project.

(iv) Other private entities that may be appropriate.

(b) Stakeholder Group Composition.

(i) The list of parties who were contacted and who responded with a request to be included in the stakeholder group pursuant to LM 15.580(2)(a) above shall be reviewed in a regular meeting by the Board, and a stakeholder group will be appointed by Board Order. The Commissioner with jurisdiction in the project area and at least one Roads Advisory Committee member may serve as ex officio members of the stakeholder group.

(ii) The group will generally include a maximum of 12 people exclusive of ex-officio Board and Committee members unless the Board determines that a larger group is necessary to ensure adequate representation of interested parties.

(c) Stakeholder Group Responsibilities. The stakeholder group will meet at least once per month, for no more than 6 months, to review the project design. Engineering Division staff will facilitate stakeholder meetings.

(d) At the conclusion of the stakeholder group meetings, staff shall provide a written and oral report to the Roads Advisory Committee describing the group outcomes, including a recommended project design concept and justification for the recommendation. The design concept recommendation shall demonstrate consideration for stakeholder comments and other factors normally considered in project design, including Lane Code and Lane Manual requirements, other engineering practices and standards, safety, budget, timing, efficiencies of scale, and maintenance.

(e) After consideration of the results of the stakeholder group and the staff recommendation, the Roads Advisory Committee may set a hearing pursuant to the requirements of LM 15.580(3), or may adopt findings and a recommendation to forward to the Board. While stakeholder group comments, concerns, and outcomes shall be considered, the Roads Advisory Committee shall have final authority as to the design concept recommendation forwarded to the Board.

(3) Roads Advisory Committee Hearing Procedures.

(a) Pursuant to LM 15.580(1) above the Roads Advisory Committee may elect to set a public hearing(s) before adopting a Board recommendation on a preferred project design alternative. The hearing may be conducted before the Roads Advisory Committee, or before staff, as delegated by the Roads Advisory Committee.

(b) If a petition is filed pursuant to LM 15.580(5) below, a hearing shall be set and conducted by the Roads Advisory Committee pursuant to LM 15.580(3)(c).

(c) Notice of the hearing shall be mailed to adjacent property owners of record at least 10 days in advance. Hearing(s) shall deal with design concept of the

proposed project only. Time for testimony may be limited to permit all interested parties to be heard.

(4) Notice to Adjacent Property Owners. Whether or not a stakeholder group is formed or a hearing is conducted, adjacent property owners shall be notified within 10 days of the adopted findings and recommendation by the Roads Advisory Committee.

(5) Petitions. If the Roads Advisory Committee has adopted findings without a public hearing pursuant to LM 15.580(1), a hearing shall be conducted by the Committee on petition of one-third of the adjacent property owners of record for reconsideration of the decision. A petition in this case must be presented to the Department within 30 days of the date the Roads Advisory Committee findings are mailed to adjacent property owners. In the event a valid petition is not received within 30 days, the findings of the Roads Advisory Committee shall be forwarded to the Board.

(6) Roads Advisory Committee Action.

(a) Following any public hearing and any necessary follow-up contact or correspondence with property owners, the Roads Advisory Committee shall adopt findings and a recommendation to forward to the Board and adjacent property owners of record.

(b) Staff shall present the Roads Advisory Committee findings and recommendation to the Board at a regularly scheduled Board meeting. A full record of previous proceedings, all written public comments and if applicable, the stakeholder process and recommendations shall be included in the information presented to the Board.

(7) Board Hearing Procedures.

(a) In the event Department staff disagree with the Roads Advisory Committee findings and recommendation, staff may request a hearing by the Board. Adjacent property owners of record shall be notified of the hearing at least 10 days in advance.

(b) In the event that property owners disagree with the findings of the Roads Advisory Committee when a public hearing has been held, an appeal may be made to the Board for further consideration on petition of at least 50 percent of the adjacent landowners of record along the proposed road improvement project, provided that such appeal is filed within 30 days of the date of the Roads Advisory Committee findings.

(c) The Board shall set the matter for hearing and cause notice to be provided to interested parties at least 10 days in advance. The hearing shall include a report by the Department and the findings and recommendation of the Roads Advisory Committee.

(8) Board Action. After consideration of the Roads Advisory Committee recommendation, and after completion of any hearing process, the Board will issue findings and a decision on the project design by Board Order.

(9) Assessments. In the event that the project includes assessments, statutory procedures of ORS 371.605 through 660 shall apply in addition to the procedures listed above. The appeal procedures outlined in LM 15.580(7)(b) above shall not apply to assessments. *(Revised by Order No. 83-1-4-9, Effective 1.4.83)*

COMMUNITY DEVELOPMENT ROAD IMPROVEMENT ASSISTANCE PROGRAM

15.800 Purpose.

The purpose of the Community Development Road Improvement Assistance Program is to promote development of public road infrastructure projects that provide a benefit to the community. The Program will use Road Funds designated by the Board of County

Commissioners in combination with other funding sources, to administer and finance eligible public road projects connected with expansion or new construction of community development projects. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.805 Authority.

ORS Chapter 373 and the Lane County Home Rule Charter authorize the expenditure of County funds for the improvement, construction or repair of streets within incorporated cities. ORS 190.010 and the Lane County Home Rule Charter further provide that units of local government may enter into agreements for the performance of any and all functions and activities that a party to the agreements, its officers or agents, have authority to perform. ORS 457.190 grants authority for urban renewal agencies to acquire funds from counties. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.808 Definitions.

Municipality or Municipalities. Cities, urban renewal districts organized under ORS Chapter 457, housing authorities organized under ORS Chapter 456, school districts organized under ORS Chapter 330, public utility districts organized under ORS Chapter 261 and port districts organized under ORS Chapter 777. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.810 Eligible Applicants and Application for Funds.

(1) Eligible applicants for funding under this section of Lane Manual include Lane County municipalities and other entities. The County Board of Commissioners, upon request of other entities such as unincorporated communities, Chambers of Commerce or private utility districts, may sponsor projects involving Road Fund eligible expenditures that comply with state law but may not be within the jurisdiction of a municipality.

(2) Municipalities or other entities that desire funds under this program may make application or suggest a project through a letter directed to the Director. The letter should follow application guidelines and selection criteria, attached as Exhibit A to this subsection (LM 15.810(2)), and incorporated by reference as though fully set forth herein, and describe in detail the request for funds and the community development benefits that will be gained by the project. *(Revised by Order No. 00-5-16-5, Effective 5.16.00)*

15.815 Funding of Projects.

(1) Funding for this program will be provided through the Community Development Road Improvement Assistance Program as established by the Board and funded by appropriate budget action.

(2) Funding of all projects shall be subject to the availability of Lane County funds. Participation by Lane County may not always be in the full amount requested and may be adjusted by the Board at its desire.

(3) Project costs eligible for Lane County funding under this program will be for the exclusive purposes allowed by Oregon law for Road Funds as defined in the Oregon Constitution Article IX, Section 3a. Examples include but are not limited to preliminary and construction administration and engineering and construction costs including clearing, base work, paving and road drainage.

(a) If the project involves an upgrade of existing County roads, Lane County may participate in funding to the extent that the improvement conforms to the applicable Transportation System Plan and existing assessment policies.