

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

The Airport Operations District is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and non-commercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. In addition, the AO District is intended to provide areas for certain open space uses for airfield grounds maintenance and as a buffer to minimize potential dangers from, and conflicts with, the use of aircraft. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.200-10 Permitted Buildings and Uses.

In the AO District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

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

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

(3) Air cargo warehousing and distribution facilities.

(4) Aerial mapping and surveying.

(5) Aircraft or aircraft component manufacturing or assembly.

(6) Aircraft related research and testing.

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

(8) Schools relating to aircraft operations.

(9) Public parking and/or auto storage.

(10) Aircraft or air transportation business or professional uses.

(11) Aviation clubs.

(12) Auto rental agencies.

(13) Hotels and motels.

(14) Restaurants.

(15) Taxi, bus and truck terminals.

(16) Environmental monitoring and enforcement agencies.

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

(18) Pastures and grazing.

(19) Forest or open land preserves.

(20) Game and fish preserves.

(21) Accessory buildings normally required in connection with a use as specified in this paragraph.

(22) Public and semi-public buildings, structures and uses essential to the physical and economic welfare of an area. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 10-04, 6.4.04)*

10.200-15 Conditional Uses.

Airport related uses not listed in LC 10.200-10 above are conditional uses, subject to a conditional use permit granted pursuant to the provisions of this chapter providing for the granting of conditional use permits (LC 10.320). An airport related use is defined as an activity or use of the land whose immediate presence on or proximity to an airport is necessary to proper airport function, to meet the needs of the use when a significant portion of its business or activity is derived from the airport, or when special transportation cost or time factors make operation from less immediate sites prohibitively expensive. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.200-20 Conformance Requirement.

All structures and uses within the Airport Operations District shall conform to the requirements of Federal Aviation Agency regulation FAR-77 or successor, and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane County Ordinance #105 or successor, regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare. *(Revised by Ordinance No. 7-73E, Effective 7.11.73)*

10.200-23 Setback Requirements.

- (1) Front Yard. Front yards shall be not less than twenty (20) feet deep.
- (2) Side Yard. Side yards shall be not less than five (5) feet for residential use.

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

10.200-28 Vision Clearance.

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

10.200-42 Area.

- (1) The minimum area for the division of land shall be five (5) acres.
- (2) Notwithstanding the provisions of paragraph (1) above, the minimum area for a parcel or lot may be reduced when it is intended as a site for a commercial, industrial, public or semipublic use allowed within the district if there is a finding that the location, design, and arrangement of the proposed lot or parcel can be integrated in a logical manner with the location, design, and arrangement of lots or parcels and uses, existing and potential, of (a) adjacent properties, and (b) the remainder of the contiguous ownership proposed for division.

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

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

Horses	One (1) per acre, plus one additional for every 15,000 square feet.
Cows	One (1) per acre, plus one additional for every 10,000 square feet.
Goats or sheep	Five (5) per acre, plus one (1) additional for every 2,000 square feet.

The area of a property may be utilized one time only for the computation of the above allowable animal usage. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 13-73, 11.21.73 [4-17-74])*

AIRPORT VICINITY DISTRICT (AV)

10.201-05 Purpose.

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

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

10.201-10 Permitted Buildings and Uses.

In the AV District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter.

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

(2) Pastures and grazing.

(3) Animal husbandry, including the raising of cattle, sheep, horses, goats and rabbits (but specifically excluding poultry or fowl raised for commercial purposes), provided that such raising activities are not part of, nor conducted in conjunction with any livestock sales yard, slaughterhouse, or animal by-product business, provided further that such uses on lots of less than five (5) acres shall be subject to the area requirements of LC 10.201-42(2).

(4) Raising and selling of fur-bearing animals (except mink).

(5) Keeping of honey bees and the production and sale of honey.

(6) Forest or open land preserves.

(7) Game and fish preserves.

(8) Botanical gardens.

(9) Landscape nurseries.

(10) Golf courses.

(11) Parks, picnic areas and other passive recreation areas except those involving public assembly.

(12) Accessory buildings normally required in connection with a use as specified in this paragraph.

(13) A dwelling for the owners, operators, and/or help required to carry out a use as specified in this paragraph.

(14) One (1) single-family dwelling or one (1) mobile home per lot.

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

(a) The maximum number of dogs over four (4) months of age, shall be eight (8).

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

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

(16) Home occupations. (See LC 10.340 for home occupation provisions.)

(17) Sale of agricultural products grown or raised on the premises, provided the sales floor area does not exceed three hundred (300) square feet.

(18) Transportation facilities and uses as specified in LC 10.500-15(1) through (13). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 10-04, 6.4.04)*

10.201-12 Uses Permitted Subject to Site Review.

In the AV District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this Ordinance, and subject to a Site Review Permit granted pursuant to LC 10.335.

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

10.201-15 Conditional Uses.

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

(1) Airport-related uses not listed in LC 10.201-12 above. An airport-related use is defined as an activity or use of the land whose immediate presence on or proximity to an airport is necessary to proper airport function, to meet the needs of the use when a significant portion of its business or activity is derived from the airport, or when special transportation cost or time factors make operation from less immediate sites prohibitively expensive.

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

- (a) Hop, nut and fruit driers.
- (b) Feed mixing and storage facilities.
- (c) Hullers.
- (d) Mint Distilleries.
- (e) Seed processing, packing, shipping and storage.
- (f) Plants for the storage or packing of agricultural products produced on the premises.
- (g) Feed lots.
- (h) Temporary and portable sawmills, barkers, and chippers.
- (i) Any other similar processing and allied farm commercial activities.

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

- (4) Animal hospitals.
- (5) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (6) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 5-81, 4.8.81; 10-04, 6.4.04)*

10.201-17 Accessory Dwellings.

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

10.201-20 Conformance Requirement.

All structures and uses within the Airport Vicinity District shall conform to the requirements of Federal Aviation Agency regulation FAR-77 or successor, and to other Federal and State laws as supplemented by Lane County Ordinances, particularly Lane County Ordinance #105 or successor, regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust and other hazards to flight, air navigation or public health, safety and welfare. *(Revised by Ordinance No. 7-73E, Effective 7.11.73)*

10.201-23 Setback Requirements.

(Also see LC 10.300-15 and 15.065 - .095).

- (1) Front yard setback shall be 20 feet.
- (2) Side yard setback shall be as follows:
 - (a) Street side yard -- 15 feet.
 - (b) Interior side yard -- five feet.
- (3) Rear yard setback shall be as follows:
 - (a) Street rear yard -- 15 feet.
 - (b) Interior rear yard -- five feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73; 6-75, 3.26.75; 5-81, 4.8.81)*

10.201-28 Vision Clearance.

Vision clearance for corner lots shall be a minimum of 15 feet. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 7-73E, 7.11.73)*

10.201-42 Area.

- (1) The minimum area for the division of land shall be five acres, except that the minimum area for any conditional use granted pursuant to LC 10.201-15(2) above shall be 10 acres.
- (2) Notwithstanding the provisions of paragraph (1) above, the minimum area for a parcel or lot may be reduced when it is intended as a site for a commercial, industrial, public or semipublic use allowed within the district if there is a finding that the location, design, and arrangement of the proposed lot or parcel can be integrated in a logical manner with the location, design, and arrangement of lots or parcels and uses, existing and potential, of (a) adjacent properties, and (b) the remainder of the contiguous ownership proposed for division.
- (3) The following animal use area regulations shall apply on lots of less than five (5) acres:

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

Horses	One (1) per acre, plus one (1) additional for every 15,000 square feet.
Cows	One (1) per acre, plus one (1) additional for every 10,000 square feet.
Goats or sheep	Five (5) per acre, plus one (1) additional for every 2,000 square feet.

The area of a property may be utilized one time only for the computation of the above allowable animal usage. *(Revised by Ordinance No. 7-73E, Effective 7.11.73; 13-73, 11.21.73,[4.17.74])*

SAND, GRAVEL AND ROCK PRODUCTS DISTRICT (S-G)

10.205-05 Purpose.

The intent of the Sand, Gravel and Rock Products District (S-G) is to:

- (1) Recognize that sand and gravel deposits within the County are an unrenewable natural resource, and beneficial to the economy of the County and the welfare of its people;
- (2) Identify and zone under this District major deposits of sand and gravel, rock and related material resources;
- (3) Provide for the utilization of this resource in a manner compatible with other land uses in the area;
- (4) Encourage the regular, systematic and uninterrupted extraction and processing of such resources;
- (5) Establish procedures for assuring protection of public health and safety on and adjacent to land used for extraction and processing;
- (6) Prevent irresponsible extraction of material resources, to the detriment of the public;
- (7) Provide standards to be observed during the extraction process with a view to ultimate utilization of the site;
- (8) Carry out these purposes with the recognition of a need for said resources and the right of each property owner to make a reasonable use of his or her land. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-07 Definitions.

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

- (1) Director. The Director of the Department of Public Works of Lane County.
- (2) Overburden. All materials lying on top of valuable sand and gravel deposits which must be moved in order to extract those valuable sand and gravel deposits.
- (3) Review Committee. The Sand and Gravel Review Committee authorized to administrate the provisions of this section. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-10 Permitted Buildings and Uses.

In the S-G District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

- (1) Sand and gravel operations which entail the extraction, stockpiling and processing of sand, gravel, overburden and topsoil shall be permitted, subject to the

requirements of the subsections of this section, but quarrying, smelting, ore reduction and other similar uses shall be excluded.

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

- (a) Asphalt paving-mix plant.
- (b) Cement concrete batching plant.
- (c) Aggregate products fabrication and sale.
- (d) Sand and gravel resource-related contractor's equipment storage yard.
- (e) Sand and gravel resource-related contractor's maintenance and storage buildings.
- (f) Offices and warehouses appropriate to the uses permitted in this District.
- (g) Retail or wholesale sales of products related to the use of sand, gravel and related products.

(3) Other uses permitted:

- (a) Agriculture, grazing or timber raising.
- (b) Dwellings for owners, operators or help required to carry out LC 10.205(10)(2)(a) above.
- (c) Accessory buildings normally required in LC 10.205(10)(2)(a) above.
- (d) Public parks and recreation areas.
- (e) Extraction of sand, gravel and overburden, any combination of which does not exceed 1,000 cubic yards in any calendar year.
- (f) Kennel, provided the following conditions are satisfied:
 - (i) For more than three (3) dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
 - (ii) Where the lot area is less than 20 acres, the maximum number of dogs over four months of age shall be eight.
 - (iii) Where lot area is a minimum of 20 acres and when more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from an adjoining property.
- (g) Electrical facilities providing only direct service to a use authorized in this District.
- (h) Transportation facilities and uses as specified in LC 10.500-15(1) through (13).

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

- (a) Identification signs (exterior) shall be limited to two per business establishment, and shall be designed as a part of the building. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82; 10-04, 6.4.04)*

10.205-15 Conditional Uses.

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

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

- (3) Extraction, processing and stockpiling of sand, gravel and overburden on a parcel or contiguous parcels less than 20 acres in size.
- (4) Private parks.
- (5) Shooting preserves.
- (6) Other similar uses to LC 10.205-15(2), (4) and (5) above which require limited investment in improvements upon extensive acreages of land.
- (7) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (8) Facilities transmitting electric current in any single cable or group of cables or lines through the Sand and Gravel District.
- (9) Transportation facilities and uses as specified in LC 10.500-15(14) through (17). *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82; 10-04, 6.4.04)*

10.205-20 Site Improvement Standards.

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

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

(a) Slopes and Grading.

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

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

(i-i) All banks will be left with slopes no steeper than the natural contours of the immediately surrounding area, except that steeper slopes will be permitted if the slopes are designed to be stable by a soils engineer licensed in the State of Oregon. If slopes are steeper than one vertical to one and one-half horizontal, provisions will be made so that a person can find safe egress from any point on the shoreline of the excavation.

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

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

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

(ii-ii) All banks shall be sloped at a ratio no steeper than one vertical to two horizontal (1.2) to a water depth of three feet, measured from low water mark.

(ii) The operator shall not be required to comply with the standards of LC 10.205-20(2)(a)(i) above in areas currently under excavation which are not adjacent to setback lines, provided that such area shall remain bonded until the standards of LC 10.205-20(2)(a)(i) above are met.

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

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

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

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

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

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

(bb) One hundred feet from the boundary of a residential district.

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

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

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

(v) When excavation is completed adjoining a setback, the setback area shall be smoothed, all excavation debris removed, and all trees which are in an unsafe condition removed. However, such setback areas may be used for permitted uses under LC 10.205-10(2) and (3) above, subject to other provisions of this chapter.

(f) Cleanup and Removal of Structures.

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

(ii) Within three years after the termination of an operation as defined in LC 10.205-10(1) above, all buildings, structures or plants which were used incidental to the operation and were abandoned with the termination of the operation shall be dismantled and removed.

(g) Site Improvements for Nonconforming Preexisting Uses.

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

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

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

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

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

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

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

(dd) The operator shall not be required to change nonconforming setback areas. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-21 Operation Standards.

All facilities shall be constructed maintained and operated, and all operations shall be conducted in the District in accordance with the standards set forth in this section.

(1) Setbacks.

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

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

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

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

(2) Frontage and Access. Each tract of land used for uses permitted in LC 10.205-10(1) and (2) above shall have 60-foot frontage on a public road or easement of access to a public road connecting with the public road system of Lane County.

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

(4) Signs. LC 10.205-10(4).

(a) Business and Directional Signs. See LC 10.205(4).

(b) S-G District Identification. The County, at its expense, shall have the right to put signs on the boundaries of any active operation which read:

THIS PROPERTY MAY BE USED FOR
SAND AND GRAVEL EXTRACTION PROCESSING

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

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

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

outside the edge of such excavation at least four feet in height, to control access to such excavation.

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

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

(b) There shall be no direct discharge of gravelwashing waters into an adjacent stream.

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

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

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

(f) The Director may waive the requirements of LC 10.205-21(8)(d) and (e) above for limited periods of time. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-52 Performance Bond.

(1) Except during the 60-day period provided for by LC 10.205-83(1)(a) below, no excavation shall be permitted within this District in areas which are not covered by a performance bond in the amount of \$500 per acre which has been submitted to the Director and accepted by the Board. The amount of acreage to be bonded shall be left to the choice of the operator, but no excavation shall be permitted within this district in areas which are not covered by a performance bond in the amount of \$500 per acre which has been submitted to the Director and accepted by the Board. The amount of acreage to be bonded shall be left to the choice of the operator, but no excavation shall be permitted in any area which has not been bonded.

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

(b) The bond shall guarantee the faithful performance of all applicable site improvement standards specified in LC 10.205-20 above for all areas excavated after the land is zoned hereunder.

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

(3) If acreage excavated is not restored according to the applicable site improvement standards, the County or its designated representative may enter upon such property, make the required improvements, and present the operator and the corporate surety with a statement of expenses. The surety bond shall guarantee payment to the County for its expenses incurred, not to exceed \$500 per acre. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-81 Administration.

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

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

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

(ii) The Public Works Director.

(iii) The Parks and Recreation Director.

(iv) The Director of Building and Sanitation Department (Chief Sanitarian).

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

The advisory board shall include:

(i) A member of the Soil Conservation Service.

(ii) A member from a local conservation group.

(iii) A member from the general public.

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

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

(vi) Any other appropriate person.

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

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

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

(f) The operator shall be allowed to proceed in accordance with the approved or modified plans. The Director of Public Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 10.400 of this chapter. The operator shall then be subject to the penalties of LC 10.990 of this chapter, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

(g) Decisions by the Review Committee pursuant to LC 10.205-81(1)(e) above may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.

(2) Variances. Variances to dimensional standards such as setbacks and slope ratios within this district are subject to approval by the Director pursuant to LC Chapter 14.- and must conform to the following criteria:

(a) The variance is not in conflict with the general purpose and intent of the district;

(b) There are exceptional or extraordinary circumstances applicable to the property involved;

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

(d) The variance will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of other property. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82; 16-83, 9.14.83; 19-03, 10.29.19)*

10.205-82 Materials to be Filed.

The following materials must be filed with the Director by any person conducting the use specified in LC 10.205-10(1) above within a Sand, Gravel and Rock Products District:

(1) Vertical aerial photograph of all land included in the plan of operations required in LC 10.205-82(5) below enlarged to a scale no smaller than one inch to 200 feet, which is certified by the photographer to have been photographed not more than one year prior to submission. Photographs taken prior to one year from the date of submission may be submitted, if accompanied by a signed declaration of the owner that there have been no substantial changes in land form.

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

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

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

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

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

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

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

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

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

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

(g) Approximate locations of the areas specified in LC 10.205-82(5)(a) through (d) above, and of the typical cross sections, shall be identified on either the boundary map of the area of the aerial photograph. Approximate acreage for each of the said areas shall be specified.

(6) If an operation shall have facilities or stockpiles which existed prior to enactment of this District for any specific area which do not conform to the setback or other standards set forth herein and which are not required to conform, the operator or

owner shall also submit specific information as to the location of such nonconforming facilities or stockpiles with identifying maps showing actual locations and distances from property lines. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

10.205-83 Filing Procedures.

(1) The materials required to be filed by LC 10.205-82 above shall be filed with the Director.

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

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

(2) Whenever any person conducting the use specified in LC 10.205-10(1) above plans any operation or facility in conflict with or not covered by the plan of operation which was required to be filed by LC 10.205-82(5) above, the operator shall file with the Director, for evaluation, a revised plan of operation and aerial photograph meeting the requirements of LC 10-205-10(1) and (5) above. *(Revised by Ordinance No. 13-72, Effective 7.21.72; 14-82, 7.16.82)*

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