

Lane Code  
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## Chapter 16

**LANE COUNTY LAND USE AND DEVELOPMENT CODE****INTRODUCTORY AND GENERAL PROVISIONS****16.001 Authority.**

This chapter is enacted pursuant to the provisions of ORS Chapters 92, 197, 203, 215 and the Lane County Home Rule Charter. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.002 Title and Legislative History.**

(1) This chapter shall be known as the Lane County Land Use and Development Code.

(2) Legislative History Ordinance #7-87. On June 17, 1987, by and through Ordinance #7-87, the Board of County Commissioners adopted omnibus changes to LC Chapter 16. Because of the magnitude of the changes, it was not feasible to recreate changes on each page of the chapter. A copy of said changes remain on permanent file in the office of the Board of County Commissioners, County Counsel and Land Management Division of the Department of Public Works. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.003 Purpose.**

This chapter is designed to provide and coordinate regulations in Lane County governing the development and use of lands to implement the Lane County Rural Comprehensive Plan. To these ends, it is the purpose of this chapter to:

(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.

(2) Protect and diversify the economy of the County.

(3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

(4) Conserve farm and forest lands for the production of crops, livestock and timber products.

(5) Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.

(6) Conserve all forms of energy through sound economical use of land and land uses developed on the land.

(7) Provide for the orderly and efficient transition from rural to urban land use.

(8) Provide for the ultimate development and arrangement of efficient public services and facilities within the County.

(9) Provide for and encourage a safe, convenient and economic transportation system within the County.

(10) Protect the quality of the air, water and land resources of the County.

(11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.

(12) Provide for the recreational needs of residents of Lane County and visitors to the County.

(13) Conserve open space and protect historic, cultural, natural and scenic resources.

(14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.004 Scope and Compliance.**

(1) A tract of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy or otherwise, only as this chapter permits.

(2) In addition to complying with the criteria and other provisions within this chapter, each development shall comply with the applicable standards adopted and published by the Director.

(3) The requirements of this chapter apply to the person undertaking a development or the user of a development and to the person's or user's successors in interest.

(4) Prior to the zoning or rezoning of land under this chapter, which will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential equivalent water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.080(1)(n).

(5) Prior to the zoning or rezoning of land under this chapter, for lands situated within the designated community areas listed below, an affirmative conclusion stating the reasoning and facts relied upon, must be made that densities allowed by the proposed rezoning are low enough to provide reasonable assurance that any existing sewage problems will not be further aggravated by development of the subject property:

- (a) Cheshire.
- (b) Elmira.
- (c) Goshen.
- (d) Heceta.
- (e) Mapleton.
- (f) Marcola.
- (g) Vaughn. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-07, 12.27.18)*

**16.005 Use of a Development.**

(1) A Development May Be Used Only For a Lawful Use. A lawful use is a use that is not prohibited by law or which is nonconforming pursuant to LC 16.251 below of this chapter.

(2) Grading, Excavation and Clearing. Grading and clearing by mechanical equipment for either road and/or development purposes may be restricted or regulated by the Approval Authority either at the time of approval of a development permit or of an application if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose.

(3) Conditions. The following conditions may be imposed at the time of approval of a development for which a permit or application is required and for which a finding has been made as required in LC 16.005(2) above in order to ensure site and area stability:

- (a) Maintain vegetation and eliminate widespread destruction of vegetation.
- (b) Carefully design new roads and buildings with respect to:
  - (i) Placement of roads and structures on the surface topography.
  - (ii) Surface drainage on and around the site.
  - (iii) Drainage from buildings and road surfaces.
  - (iv) Placement of septic tank disposal fields.
- (c) Careful construction of roads and buildings:

- (i) Avoid cutting toeslopes of slump blocks.
- (ii) Careful grading around the site, especially avoiding oversteepened cut banks.
- (iii) Revegetating disturbed areas as soon as possible.
- (d) Certification by a geologist or engineer that the above conditions have been complied with and/or that a hazard does not exist.

(4) Sensitive Bird Habitat Protection Standards and Criteria. All uses or activities permitted or conditionally permitted within the zones identified in LC 16.005(4)(a) below shall be subject to the additional procedures and requirements in LC 16.005(4)(b)-(g) below, provided such uses are located on property identified as a sensitive bird habitat area via Rural Comprehensive Plan Flora and Fauna Policy 18 and LM 11.400.

(a) Applicable Zones.

Zone Classification	Abbreviation	Section No.
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML-RCP	16.214
Park and Recreation	PR-RCP	16.215
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Clear Lake Watershed Protection	CLWP-RCP	16.258

(b) Development Plan Submittal. The person proposing the development shall submit plans to the Department which sufficiently identify the location, nature and scope of the proposed use or activity.

(c) Referral. Upon receipt of the plans identified in LC 16.005(4)(b) above, the Department shall refer a copy of the plans to the Oregon Department of Fish and Wildlife (ODFW).

(d) ODFW Review. Upon receipt of the plans identified in LC 16.005(4)(b) above, the ODFW shall review the proposed use of activity and make a determination of whether or not the use or activity would affect a sensitive bird habitat. In making this review and determination, the ODFW shall consult with the affected landowner(s) and appropriate state agencies, and shall address the standards in LC 16.005(4)(d)(i) and (ii) below. The basis for the determination shall be stated in writing, completed within seven working days of receipt, and then submitted to the Department (Lane County).

(i) A sensitive bird habitat will be considered affected by a use or activity if the use or activity is located within 660 feet of an eagle or osprey site or within 300 feet of a heron rookery or pigeon mineral spring.

(ii) A sensitive bird habitat may also be considered affected by a use or activity if the use or activity is located a greater distance than specified in LC 16.005(4)(d)(i) above, considering unique conditions of topography or the individual habits of the bird(s).

(e) No Affects Determined. If the ODFW determines that the sensitive habitat area will not be affected, then the ODFW will give the Department written notice of its determination, and Lane County may proceed with authorization of the use or activity, or with the processing of any other required applications.

(f) Affects Determined and Protection Plan. If the ODFW determines that the sensitive habitat area will be affected, the ODFW shall work with the affected landowner(s) in the development of a site specific habitat protection plan. The plan shall consider the proposed use or activity and its interrelationship to and affects upon nesting trees, perch trees, critical nesting period roosting sites and/or buffers for wind, vision and noise. The plan must contain a statement of reasons, supported by facts, explaining why the sensitive bird habitat would not be adversely affected by the proposed use or activity. The plan shall then be submitted to the Department.

(g) Director Approval. The proposed uses or activities identified in the habitat protection plan shall be reviewed using Type II procedures of LC Chapter 14 and shall be allowed if in conformance with the following approval criteria:

(i) The proposed use or activity would not adversely impact a sensitive wildlife habitat.

(ii) Conditions placed upon the approval of the habitat protection plan would avoid or eliminate any adverse impacts upon a sensitive wildlife habitat. Conditions may include setbacks, limitations upon the time period for the operation of the use or activity and/or prohibition of conflicting uses.

(h) LC 16.005(4)(a)-(g) do not apply to the protection of sensitive bird habitat from forest practices as regulated by the Forest Practices Act and as regulated by the COOPERATIVE AGREEMENT BETWEEN OREGON STATE BOARD OF FORESTRY AND OREGON STATE FISH AND WILDLIFE COMMISSION as adopted by Lane County in Rural Comprehensive Plan Goal 5 Flora and Fauna Policy 17.

(5) Scenic Byway/Tour Route Off-Premise Sign Requirements. New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 16.005(5), below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; facilities not located on the premises on which the sign is located; or activities not conducted on the premises on which the sign is located.

(a) The South Lane Tour Route as specifically identified in Ordinance No. 10-99. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 10-99, 1.15.00; 7-10, 11.26.10; 19-03, 10.29.19)*

### **16.006 Compliance Required.**

(1) No person shall engage in, or cause to occur, a development which does not comply with the Lane County Land Use and Development Chapter.

(2) A development shall be approved by the Director, or other Approving Authority, according to the provisions of this chapter.

(3) Unless appealed, a decision on any application shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.007 Compliance With Rural Comprehensive Plan.**

In the event of any conflict between any provision of this chapter and provisions of the Rural Comprehensive Plan of Lane County, or duly adopted portions, elements or amendments of such Plan, the more restrictive Provisions shall prevail. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.008 Interpretation.**

When in the administration of this chapter there is doubt regarding the intent of the chapter or the suitability of uses not specified, the Director shall request an interpretation of the provision by the Board of County Commissioners. The Board shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this chapter. Any interpretation of the chapter shall be deemed an administrative action and shall be based on the following considerations:

- (1) The Lane County Comprehensive Plan.
- (2) The purpose and intent of the chapter as applied to the particular section in question.
- (3) The opinion of the County Counsel. Copies of such interpretations shall be indexed and kept on file in the Department and may be reviewed by the public upon request. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.009 Restrictiveness.**

Where the conditions imposed by a provision of this chapter overlap, the provisions which are more restrictive shall govern. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.010 Severability.**

If any section, paragraph, subsection, clause, sentence or provision of this chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this chapter, and the effect thereof shall be confined to the section, paragraph, subsection, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this chapter notwithstanding the parts so declared unconstitutional or invalid. Further, should any section, paragraph, subsection, clause, sentence or provision of this chapter be judicially declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate or nullify such section, paragraph, subsection, clause, sentence or provision as to any other premises or use. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.011 Introductory Provisions.**

In order to achieve the purposes outlined in LC 16.003, and to assure that the development and use of land in Lane County conforms to the Rural Comprehensive Plan, zone classifications have been established for all unincorporated areas outside of adopted urban growth boundaries and within Lane County. These zones specify regulations for the use of land and property development standards, and use applied by boundaries indicated on the Lane County Rural Comprehensive Plan Zoning Maps. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**16.012 Zone Classifications.**

For the purpose of this chapter of Lane Code, the following zones are hereby established:

<u>Zone Classification</u>	<u>Abbreviation</u>	<u>Section No.</u>
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML RCP	16.214
Park and Recreation	PR-RCP	16.215
Quarry and Mining Operations	QM-RCP	16.216
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Historic Structures or Sites Combining	/H-RCP	16.233
Natural Estuary	/NE-RCP	16.234
Conservation Estuary	/CE-RCP	16.235
Development Estuary	DE-RCP	16.236
Significant Natural Shorelands Combining	/SN-RCP	16.237
Prime Wildlife Shorelands Combining	/PW-RCP	16.238
Natural Resources Conservation Combining	/NRC-RCP	16.239
Residential Development Shorelands Combining	/RD-RCP	16.240
Shorelands Mixed Development Combining	/MD-RCP	16.241
Dredge Material/Mitigation Site Combining	/DMS-RCP	16.242
Beaches and Dunes Combining	/BD-RCP	16.243
Floodplain Combining	/FP-RCP	16.244
Commercial Airport Safety District	/CAS-RCP	16.245
Airport Safety District	/AS-RCP	16.246
Airport Operation	AO-RCP	16.247
Clear Lake Watershed Protection	CLWP-RCP	16.258
Rural Residential	RR, RCP	16.290
Rural Commercial	RC, RLP	16.291
Rural Industrial	RI, RCP	16.292
Rural Public Facility	RPF, RCP	16.294
Rural Park and Recreation	RPR, RCP	16.295

Private Use Airport Overlay	/PUAO-RCP	16.296
Interchange Area Management Plan	/IAMP-RCP	16.297
Combining Zone		

*(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 6-02, 5.16.02; 15-07, 2.1.08; 6-11, 7.21.11)*

### **16.013 Location of Zones.**

The boundaries of the zones indicated on the Lane County Zoning Maps are hereby adopted by reference. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

### **16.014 Plan Designation and Zoning Maps.**

(1) Official plan designation and zone maps for Lane County shall consist of county-wide maps and detailed township and range-based maps. County-wide maps will indicate plan designation and zoning where an entire township and range is in a single plan designation or zone. Detailed maps shall be maintained for each township and range (i.e., township 18, south, range 05, west) that contains more than one plan or zone designation. The plan designation and zone boundaries depicted on the official maps may be modified in accordance with the procedures set forth in LC 16.015(1) – (3).

(2) The official plan designation and zone maps shall be maintained by the Planning Director in the offices of the Land Management Division. A digital layer of the adopted plan and zone maps shall be maintained within the Lane County geographic information system. These digital layers shall be identical to the official adopted paper maps but whenever a discrepancy arises between the digital layers and the adopted paper maps, the paper maps shall be considered the authoritative source.

(3) Official adopted maps will be 46 x 36 inches overall and in full color. The scale of official maps shall be 1":1000'. Working maps may be developed at a different size and scale.

(4) Each adopted official map shall contain the following information:

- (a) Map location reference (i.e. Township 18, South, Range 05, West).
- (b) Location reference map inset.
- (c) North arrow.
- (d) Plan designation or zoning legend.
- (e) Section legend.
- (f) Scale.
- (g) Title (Official Lane County Plan Map; or Official Lane County Zoning Map; or Official Lane County Coastal Zoning Map).

(h) Adoption/Revision tracking table containing: revision or adoption number, ordinance or order number, planning action number, effective date of map amendment and revision description.

(5) To the maximum extent feasible, plan designation and zone boundaries shall follow features recognizable or reproducible. Line preference shall be given to going from a known point to a known point (i.e., property corner, section corner, etc.). In the event a zone boundary does not or cannot conform to the above, angle points and intersection points of that boundary shall be annotated with the coordinates of the points or with the distance and bearing of the boundary.

(6) Where uncertainty exists as to the boundaries of any zone shown upon the Zoning Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

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



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

(d) Boundaries indicated as following railroad lines and public utility easements and right of ways shall be construed to be midway between the main tracks or the utility easements or the right of way, whichever is applicable.

(e) Boundaries indicated as parallel to or extensions of features indicated in LC 16.014(6)(a) through (d) above shall be so construed.

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

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

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

(i) Where physical features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered by LC 16.014(6)(a) through (h) above, the Planning Director shall interpret the zone boundaries.

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

(k) Where zoning boundaries follow the centerline of a public utility easement or railroad right of way that has been officially vacated or conveyed, the Zone requirements applicable to the property to which the vacated or conveyed area becomes a part shall apply to the vacated or conveyed area previously part of the easement or right of way. Adjustments of zone boundaries due to a conveyance described in LC 16.014(6)(k) shall occur only upon the initial conveyance. Future conveyances or property line adjustments shall not change the zone boundaries. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-08, 7.11.08)*

### **16.015 Amendments to the Lane County Plan Designation and Zoning Maps.**

(1) All amendments to the Lane County Zoning and Plan Maps shall be made by Ordinance, for legislative matters, and by Order or Ordinance, for quasi-judicial matters, of the Approval Authority as specified in this chapter of Lane Code.

(2) The official adopted plan designation and zone maps shall be amended as follows:

(a) A working copy of the map to be amended shall be modified and annotated to describe the proposed amendments.

(b) Upon the effective date of the adopted amendments, the Planning Director will produce an official paper map. This map will reflect the adopted amendments and will contain the information required in LC 16.015(3). On the same date that the official paper map is created, the Planning Director will also update the corresponding map layer in the Lane County geographic information systems to reflect the amendment.

(c) The Planning Director will maintain an historical digital copy of all zone and plan maps amended pursuant to LC 16.015(1) on permanent media, such as a CD. Metadata for these maps shall be annotated to include the date range that the maps were in effect and the Ordinance or Order number which rendered the maps obsolete.

(d) Outdated and amended paper maps shall be maintained in an historical map reference file in the Land Management Division.

(3) Each time a plan designation or zone map is revised or a new map is created, that action shall be indicated by placing the ordinance or order number, effective date, planning action number and revision description in the revision tracking table of the amended map as shown in the following example:

Revision	Ordinance or Order Number	Date Effective	Planning Action Number	Revision Description
1	Ord. #PA1246	7/11/2008	N/A	Map created (plot maps retired)
2	Ord. #PA1320	11/26/2010	pa10-5218	18-03-27-00-00301 rezoned F2 to ML

*(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-08, 7.11.08)*

PAGES 16-10 THROUGH 16-25  
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