

IMPACTED FOREST LANDS ZONE (F-2, RCP)
RURAL COMPREHENSIVE PLAN

F-2 Zone Table of Contents

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16.211 Impacted Forest Lands (F-2, RCP)

(1) Purpose

The purpose of the Impacted Forest Land (F-2) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-2 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-2 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-2 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.211-1 sets forth the uses allowed in the F-2 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.211-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.211.

As used in Table 16.211-1:

- (a) Use Type:
 - (i) “A” means the use is allowed outright or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (4) and other listed criteria.
- (b) Local Procedure Type:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) “AL” means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The “Subject To” column identifies any specific provisions of LC 16.211 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.211(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.211(5) and (6). Any new structure subject to LC 16.211(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4), “...discretionary approval of a proposed development of land...” an owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			

Table 16.211-1: Use Table for Impacted Forest Zones				
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	Use	Use Type	Local Procedure Type	Subject to
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)
2.	Residential Uses			

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	Use	Use Type	Local Procedure Type	Subject to
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(p), (5), (6)
2.2.	Large tract forest dwelling	A	II	(3)(a), (3)(p), (3)(q), (5), (6)
2.3.	Lot of record dwelling	A	II	(3)(b), (3)(p), (3)(q), (5), (6)
2.4.	Template dwelling	A	II	(3)(c), (3)(p), (3)(q), (5), (6)
2.5.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(d), (3)(p), (3)(r), (5), (6)
2.6.	Temporary hardship dwelling	C	II	(3)(e), (3)(p), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(g)
3.6.	Home occupations	C	II	(3)(e), (4)
3.7.	Permanent facility for the primary processing of forest products	C	II	(3)(k), (4), (5), (6)

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	Use	Use Type	Local Procedure Type	Subject to
3.8.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.9.	Private seasonal accommodations for fee hunting operations	C	II	(3)(g), (4), (5), (6)
3.10.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(h), (4), (5), (6)
3.11.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result	A	P	

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	Use	Use Type	Local Procedure Type	Subject to
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	P	
5.5.	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	A	P	
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)

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	Use	Use Type	Local Procedure Type	Subject to
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(I), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(I), (4)
5.19.	Continuous median turn lanes	C	II	(3)(I), (4)
5.20.	New roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway	C	II	(3)(I), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(I), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation, Solid Waste			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm on and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)

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6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(i), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(m), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(j), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(n), (4), (5), (6)
8.	Outdoor Gatherings			

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	Use	Use Type	Local Procedure Type	Subject to
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(o)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.211.	A	P or II	(3)(r), (5), (6)

(3) Use Standards

- (a) A large tract forest dwelling may be allowed on a lot or parcel zoned for forest use, but it must comply with other provisions of law, including the following:
- (i) The tract does not include a dwelling.
 - (ii) The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in Lane County or adjacent counties and zoned for forest use.
 - (aa) A tract cannot be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.
 - (iii) Prior to issuance of a building permit, a deed restriction must be filed for all tracts that are used to meet the acreage requirements of this subsection pursuant to:
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located.

- (bb) The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- (b) A lot of record dwelling may be allowed on a lot or parcel zoned for forest use pursuant to the following:
 - (i) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (iv):
 - (aa) Since prior to January 1, 1985; or
 - (bb) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;
 - (ii) The tract on which the dwelling will be sited does not include a dwelling;
 - (iii) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - (iv) For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members;
 - (v) The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined in LC Chapter 15 that provides or will provide access to the subject tract. The road must be maintained and either paved or surfaced with rock and cannot be:
 - (aa) A United States Bureau of Land Management road; or
 - (bb) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency;
 - (vi) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract must be consolidated into a single lot or parcel when the dwelling is allowed; and

- (vii) When the lot or parcel on which the dwelling will be sited lies within an area designated in the Rural Comprehensive Plan as habitat of big game, the siting of the dwelling must be consistent with the limitations on density upon which the Rural Comprehensive Plan and land use regulations intended to protect the habitat are based.
- (c) A single family “template” dwelling authorized on a lot or parcel located within a forest zone pursuant to the following:
 - (i) If the lot or parcel is predominantly composed of soils that are:
 - (aa) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (bb) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (cc) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (ii) Lots or parcels within urban growth boundaries cannot be used to satisfy the eligibility requirements of subsection (i) above;
 - (iii) A dwelling, as used in subsection (i) above, is considered to be in the 160-acre template if any part of the parcel is in the 160-acre template;

- (iv) Except as provided by subsection (v) below, if the subject tract abuts a road that existed on January 1, 1993, the measurement required in (i) above may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;
- (v) The following applies where a tract 60 acres or larger abuts a road or perennial stream:
 - (aa) The measurement must be made in accordance with paragraph (iv). However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - (A) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract;
 - (bb) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling;
- (vi) A proposed "template" dwelling under this section is not allowed:
 - (aa) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph (3)(a)(iii) for the other lots or parcels that make up the tract are met; or
 - (bb) If the tract on which the dwelling will be sited includes a dwelling;
- (vii) Where other lots or parcels that make up a tract in Subsection (vi):
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located;
 - (bb) The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located;

- (viii) The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions, and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.
- (d) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:
 - (i) The dwelling was lawfully established;
 - (ii) The lawfully established dwelling:
 - (aa) Has intact exterior walls and roof structures;
 - (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;
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- (e) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling (MH), recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;
 - (bb) Except as provided in (3)(e)(i)(cc) below, approval of a temporary hardship dwelling permit is 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 requirement;

- (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use or demolished; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
 - (ii) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons; and
 - (iii) A temporary hardship dwelling approved under (3)(e) above cannot be eligible for replacement under (3)(d) above.
- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-2 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.211;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
- (g) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (h) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
 - (i) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted;

- (iii) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (i) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (j) Private Parks and Private Campgrounds.
- (i) Campgrounds in private parks may be permitted, subject to the following:
 - (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;
 - (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(j)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (k) Permanent facility for the primary processing of forest products.
- (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or

- (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(k)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
 - (l) Certain transportation facilities and uses must comply with the following:
 - (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
 - (m) Youth Camps
 - (i) The purpose of a youth camp is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
 - (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(m)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph (3)(m)(ii)(aa).

- (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
 - (dd) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 - (ee) A campground as described in Subsection (3)(j) cannot be established in conjunction with a youth camp.
 - (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
 - (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:
- (aa) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination is based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities.
 - (bb) Is at least 40 acres in size.
 - (cc) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers must consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property is 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

- (dd) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:
 - (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
 - (bb) Primary cooking and eating facilities must be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 - (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.
 - (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
 - (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
 - (ff) Covered areas that are not fully enclosed.
 - (gg) Administrative, maintenance, and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
 - (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:
 - (aa) The fire siting standards in Section (6).
 - (bb) A fire safety protection plan must be developed for each youth camp that includes the following:
 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - (cc) Except as determined under paragraph (3)(m)(v)(dd), a youth camp's on-site fire suppression capability must at least include:
 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and
 - (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
 - (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability must be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
 - (ee) The provisions of paragraph (3)(m)(v)(dd) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

- (vi) The Director, or its designate, requires as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (n) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.
 - (vii) As used in this section, “storage structures for emergency supplies” means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- (o) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:
 - (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
 - (ii) The proposed gathering is compatible with existing land uses;

- (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
- (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
- (p) For single-family dwellings, the landowner must sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- (q) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (r) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.211(5)(a). For the purpose of LC 16.211(3)(r), the "same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.211-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.6, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.211. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director

must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by non-forest uses;
 - (iii) Where possible, when considering LC 16.211(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot be located closer than:
 - (i) 20 feet from the right-of-way of a state road, County road, or a local access public road specified in LC Chapter 15.
 - (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).
 - (iii) The minimum distance necessary to comply Sections (5)(a) and (6).
 - (iv) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless a riparian modification application is approved in accordance with LC 16.253(3). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(5)(c) above, evidence of domestic water supply means:

- (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.
- (d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (e) Approval of a dwelling is subject to the following requirements:
- (i) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules.
 - (ii) The Director must notify the County Assessor of the above condition at the time the dwelling is approved.
 - (iii) Stocking survey report:
 - (aa) If the lot or parcel is more than ten acres, the property owner must submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and
 - (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.
- (f) Signs.
- (i) Signs cannot extend over a public right-of-way or project beyond the property line;

- (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
- (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.211:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;
 - (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).
- (b) Fire Safety Design Standards for Roads and Driveways.

- (i) Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.
- (ii) Road and Driveway Surfaces. Roads must have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways must have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and must have a vertical clearance of 13 feet 6 inches.
- (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:
 - (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.211(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or
 - (bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds must have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

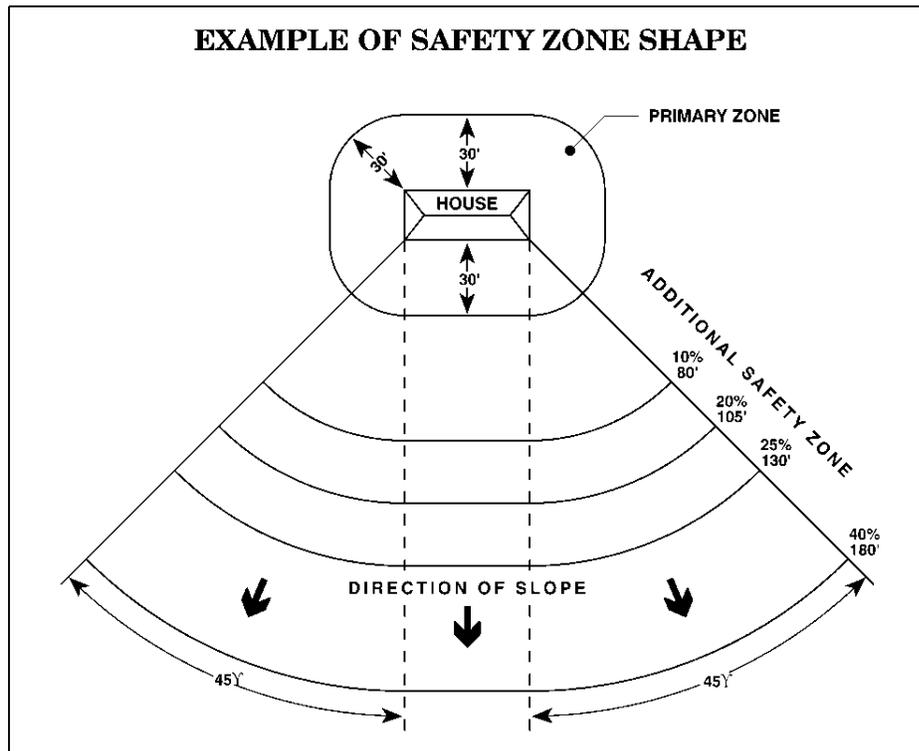
- (cc) No cul-de-sacs or hammerhead turnarounds must be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.
- (iv) **Bridges and Culverts.** Bridges and culverts must be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.
- (v) **Road and Driveway Grades.** Road and driveway grades cannot exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the firefighting equipment of the agency providing fire protection to access the use, firefighting equipment and water supply.
- (vi) **Identification.** Roads must be named and addressed in compliance with LC 15.305 through 15.335.
- (vii) **Driveway Vehicle Passage Turnouts.** Driveways in excess of 200 feet must provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.
- (viii) **Modifications and Alternatives.** The standards in (6)(b)(i) through (6)(b)(vii) above may be modified by the approval authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for firefighting equipment from its point of origination to its point of destination.
- (c) **Fuel-Free Breaks.** The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.

- (i) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures, unless otherwise specifically stated in LC 16.211. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees must be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
- (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.211-2 Minimum Primary Safety Zone

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

Figure 16.211-1



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

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.

- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:
- (i) The following uses in Table 16.211-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - (bb) Use 1.4. Log scaling and weigh stations
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.
 - (dd) Use 3.8. Permanent logging equipment repair and storage.
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - (gg) Use 6.3. Television, microwave and radio communication facilities and transmission towers.
 - (hh) Use 6.6. Reservoirs and water impoundments
 - (ii) Use 6.7. Commercial power generating facilities
 - (jj) Use 7.3. Aides to navigation and aviation
 - (kk) Use 7.4. Firearms training facilities
 - (ll) Use 7.5. Fire stations for rural fire protection
 - (mm) Use 7.6. Cemeteries.
 - (nn) Use 7.7. Public parks
 - (oo) Use 7.8. Private parks and campgrounds
 - (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
 - (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and

- (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (cc) Restrictions
 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.
- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

- (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (iv) To allow a division of a lot or parcel zoned for forest use if:
- (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(d)(ii);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and
 - (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
 - (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- (v) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in (aa) through (dd) below:
- (aa) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

- (A) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
- (bb) Before approving a proposed division of land under this section, the Planning Director must require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:
 - (A) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and
 - (B) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (cc) If a proposed division of land under (7)(b)(v) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.
- (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.
- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-2 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:
 - (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

- (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16. *(Revised by Ordinance: 20-06, Effective: 6.16.20)*

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ARE RESERVED FOR FUTURE EXPANSION