



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/04/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 006-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 20, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Sarah Wilkinson, Lane County
Jon Jinings, DLCD Community Services Specialist
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	NOV 30 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Lane County**Local file number: **509-PA11-05620**Date of Adoption: **11/28/2012**Date Mailed: **11/29/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 6/8/2012☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

In the matter of amending Chapters 13, 14, and 16 of Lane Code to add and revise definitions and provisions to be consistent with Oregon Revised Statutes and Oregon Administrative Rules and to make certain correction and clarification revisions (LC 13.020, 14.050, 16.090, 16.211, 16.212, 16.215, 16.218, 16.219, 16.225, 16.226, 16.237, 16.242, 16.245, 16.246, 16.257, 16.290, 16.291, 16.292)

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 006-12 (19375) [17250]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Lane County

Local Contact: Sarah Wilkinson, Associate Planner	Phone: (541) 682-4054	Extension:
Address: 3050 North Delta Highway	Fax Number: 541-682-3947	
City: Eugene	Zip: 97408-	E-mail Address: sarah.wilkinson@co.lane.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 7-12

**IN THE MATTER OF AMENDING
CHAPTERS 13, 14, AND 16 OF LANE
CODE TO ADD AND REVISE
DEFINITIONS AND PROVISIONS TO
BE CONSISTENT WITH OREGON
REVISED STATUTES AND OREGON
ADMINISTRATIVE RULES AND TO
MAKE CERTAIN CORRECTION AND
CLARIFICATION REVISIONS (LC
13.020, 14.050, 16.090, 16.211, 16.212,
16.215, 16.218, 16.219, 16.225, 16.226,
16.237, 16.242, 16.245, 16.246, 16.257,
16.290, 16.291, 16.292)**

WHEREAS, certain changes to Lane Code Chapters 13, 14, and 16 are desired to add and revise definitions and provisions to be consistent to the Oregon Revised Statutes and Oregon Administrative Rules and to make certain corrections and clarification revisions; and

WHEREAS, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

NOW, THEREFORE, IT IS HEREBY ORDAINED, Lane Code Chapters 13, 14, and 16 are amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

13.020

14.050

16.090

16.211

16.212

16.215

16.218

INSERT THESE SECTIONS

13.020

14.050

16.090

16.211

16.212

16.215

16.218

REMOVE THESE SECTIONS

16.219(1)

16.225(1)

16.226(1)

16.237(4)

16.242(1)

16.245(4)

16.246(5)

16.257(2)

16.290(2)

16.291(3)

16.292(3)

INSERT THESE SECTIONS

16.219(1)

16.225(1)

16.226(1)

16.237(4)

16.242(1)

16.245(4)

16.246(5)

16.257(2)

16.290(2)

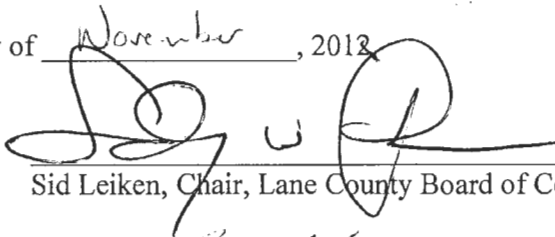
16.291(3)

16.292(3)

Amended sections are attached and incorporated herein by reference.

Although not a part of this Ordinance, the Board of County Commissioners adopts findings as set forth in Exhibit 'A' attached and incorporated by this reference, in support of this action.

ENACTED this 29 day of November, 2012



Sid Leiken, Chair, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 11-27-12 Lane County



OFFICE OF LEGAL COUNSEL

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86; 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04; 2-09, 1.8.10; 6-10; 9.17.10)*

13.020 Legal Lot Verification.

A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC 14.100 and shall occur when:

- (1) An application is submitted and reviewed pursuant to LC 14.050, excluding 14.050(3)(d), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or
- (2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to LC 14.050, excluding 14.050(3)(d). *(Revised by Ordinance No. 7-04; Effective 7.15.04)*

13.030 Validation of a Unit of Land.

(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.050 if the unit of land:

- (a) Is not a lawfully established unit of land; and
- (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).

(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

- (a) The dwelling or other building was lawfully established prior to January 1, 2007; and
- (b) The permit does not change or intensify the use of the dwelling or other building.

(4) An application to validate a unit of land under LC 13.030 is an application for a permit, as defined in ORS 215.402. An application under LC 13.030 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.

(5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under LC 13.030 if the owner of the unit of land records a partition plat within 90 days of validation.

(6) An application to validate a unit of land under LC 13.030 may not be approved if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a). *(Revised by Ordinance No. 2-09; Effective 1.8.10)*

14.050 Application Requirements, Acceptance and Investigation.

(1) Contents. Applications subject to any of the review procedures of this chapter shall:

- (a) Be submitted by any person with a legal interest in the property.
- (b) Be completed on the form prescribed by the Department and submitted to the Department.
- (c) Address the appropriate criteria for review and approval of the application and shall contain the necessary supporting information.
- (d) Be accompanied by the filing fee to help defray the costs of the application.

(2) Combinable Applications. Applications for the same property may be combined and concurrently reviewed as a master application, subject to the following permissible combination schemes and required review procedures:

(a) Applications subject to the review procedures of LC 14.100 below may be combined with other applications subject to the review procedures of LC 14.100 below, and the required review shall be by the Director according to LC 14.100 below.

(b) Applications subject to Hearings Official approval, according to the review procedures of LC 14.300 below, may be combined with other applications subject to Hearings Official approval according to LC 14.300 below and the required review procedure shall be by the Hearings Official according to LC 14.300 below.

(c) Applications subject to the review procedures of LC 14.100 below may be combined with applications subject to Hearings Official approval according LC 14.300 below, and the required review procedure shall be by the Hearings Official according to LC 14.300 below.

(d) A zone change application may be combined with an application for an amendment to the Comprehensive Plan, and the combined application shall be concurrently reviewed by the Planning Commissions and Board according to the review procedures of LC Chapters 12 and 14 for a plan amendment.

(3) Acceptance. Applications subject to any of the review criteria of this chapter:

(a) May be received by the Director at any time and shall not be considered as accepted solely because of having been received;

(b) Shall be, within 30 days of receipt, reviewed by the Director to determine if they meet the requirements of LC 14.050(1) and (2) above and are complete. Applications shall be determined to be complete and shall be accepted by the Director when they include the required information, forms and fees.

(i) If the application for a permit, limited land use decision or zone change is incomplete, the Director shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

(ii) The application shall be deemed complete upon receipt by the Director of:

(aa) All of the missing information;

(bb) Some of the missing information and written notice from the applicant that no other information will be provided; or

(cc) Written notice from the applicant that none of the missing information will be provided.

(iii) If the application was complete when first submitted or the applicant submits additional information, as described in LC 14.050(3)(b)(ii) above, within 180 days of the date the application was first submitted, approval or denial of the

application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(iv) The Director shall mail written notice to the applicant when the application is deemed complete or accepted.

(c) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under LC 14.050(3)(b)(i) and has not submitted:

(i) All of the missing information;

(ii) Some of the missing information and written notice that no other information will be provided; or

(iii) Written notice that none of the missing information will be provided.

(d) Within 10 days of acceptance of an application, the Director shall mail information explaining the proposed development to the persons identified in LC 14.100(4) and, if applicable, notice required by LC 14.160. Persons receiving notice pursuant to LC 14.160 shall have 15 days following the date of postmark of the notice to file written objections as required by LC 14.160(1)(c). All other persons shall have 10 days from the date information is mailed to provide the Director with any comments or concerns regarding the proposed development. After the end of the applicable comment period, the Director shall complete the investigation report and mail notice of a decision or elect to schedule the application for a Hearings Official evidentiary hearing.

(4) Investigation and Reports. The Director shall make, or cause to be made, an investigation to provide necessary information to ensure that the action on each application subject to any review procedure of this chapter is consistent with the criteria established by this chapter and other chapters of Lane Code requiring the review. The report of such investigation shall be included within the application file and, in the event of a hearing, presented to the Approval Authority before or during the hearing.

(5) Timelines for Final Action. For development sites located within an urban growth boundary, except as provided in LC 14.050(5)(a) through (d) below, the Approval Authority shall take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete. For development sites located outside an urban growth boundary, except as provided in LC 14.050(5)(a) through (d) below, the Approval Authority shall take final action on an application for a permit, limited land use decision or zone change within 150 days after the application is deemed complete. Except when an applicant requests an extension under LC 14.050(5)(a) below, if Lane County does not take final action on such an application within the required 120 or 150 days after the application is deemed completed, Lane County shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional Lane County land use fees or deposits for the same application incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application. Exceptions to the requirement to take final action on an application within 120 or 150 days are:

(a) When an applicant waives or requests an extension of the required 120-day or 150-day period for final action. The period set in LC 14.050(5) above may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(b) When an application is for a change to an acknowledged comprehensive plan or land use regulation that was submitted to the Director of the Department of Land Conservation and Development under ORS 197.610(1).

(c) When a decision is not wholly within the authority and control of Lane County.

(d) When parties have agreed to mediation as described in ORS 197.318(2)(b). *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-89, 10.4.89; 4-96; 11.29.96; 3-98, 7.8.98; 3-09, 12.4.09; 6-10, 09.17.10)*

16.090 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, shall be considered as providing ordinary accepted meanings.

Acceptance. Received by and considered by the Director as sufficiently complete to begin processing according to the application or appeal review procedures of this chapter.

Accepted Farming Practice. A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Accessory. Incidental, appropriate and subordinate to the main use of a tract or structure.

Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

Agriculture. Synonymous with definition of "farm use."

Agricultural Building (1) Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.

(a) "Agricultural building" means a structure located on a farm and used in the operation of the farm for:

- (i) Storage, maintenance or repair of farm machinery and equipment;
- (ii) The raising, harvesting and selling of crops;
- (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- (iv) Dairying and the sale of dairy products;
- (v) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(b) "Agricultural building" does not include:

- (i) A dwelling;
- (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
- (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
- (iv) A structure used by the public; or
- (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

(c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:

- (i) Stabling or training equines; or
- (ii) Riding lessons and training clinics;

(d) "Equine facility" does not include:

- (i) A dwelling;
- (ii) A structure in which more than 10 persons are present at any one time;

(iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or

(iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

Alter or Alteration. Any change, addition or modification in use construction or occupancy. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (SN-RCP), 16.238 (PW-RCP), 16.239 (NRC-RCP), 16.240 (RD-RCP), 16.241 (MD-RCP), 16.242 (DMS-RCP), and 16.243 (BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.

Amendment, Minor. A change to a preliminary plan, plat or map which:

(1) Does not change the number of lots or parcels created by the subdivision or partition;

(2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;

(3) Does not change the general location or amount of land devoted to a specific land use; or

(4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

Amendment, Major. A change to preliminary plan, plat or map which is not a minor amendment.

Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Appearance. Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name or address on a petition.

Approval Authority. A person, or a group of persons, given authority by Lane Code to review and/or make decisions upon certain applications according to the review procedures of Lane Code Chapter 14.

Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.

Aquaculture. The raising, feeding, planting and harvesting of fish, shell fish or waterborne plants and associated facilities necessary for the use.

Area. The surface included within any set of lines which may be further defined in square feet or acres, exclusive of County or local access public street.

Area of Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year.

Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.

Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title. Bed and Breakfast shall be considered a Home Occupation where not specifically listed as a permitted or conditionally permitted use.

Biofuel. The liquid, gaseous or solid fuels derived from biomass.

Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:

(1) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(2) Wood material from hardwood timber described in ORS 321.267(3);

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS Chapter 459 or 459A;

(6) Yard or wood debris collected as provided under ORS chapter 459 or 459A;

(7) Wastewater solids; or

(8) Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote pentachlorophenol, inorganic arsenic or other inorganic chemical compounds or waste, other than matter described above.

Board. Board of County Commissioners of Lane County.

Boarding of Horses. The boarding of horses for profit shall include the following:

(1) The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and

(2) Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

(a) The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.

(b) The incidental stabling of not more than four horses.

(c) The boarding of horses for friends or guests where no charge is made.

(d) Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Boarding House. A dwelling or part thereof, in which lodging is provided by the owner which equals or exceeds the limitations of a bed and breakfast accommodation.

Bridge Crossings. The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

Bridge Crossing Support Structures. Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

Building. The terms "building" and "structure" shall be synonymous, and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition shall specifically include but not be limited to a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest shall not be considered buildings.

Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

Camp. An area designed for organizational recreation which may include facilities such as; swimming pools, meeting halls and indoor shelters for recreation.

Campground. An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

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

Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapter 16, and which is consistent with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies.

Coastal Lakes. Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

Coastal Recreation. Occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of off-highway vehicles (OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.

Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private

agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.

County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.

Cultured Christmas Trees. Means trees:

- (1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (2) Of a marketable species;
- (3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- (7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);
- (8) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- (9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- (10) Any land described under ORS 321.267(3) or 321.824(3); and
- (11) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:
 - (a) Only the crops of the landowner are being processed;
 - (b) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

(c) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Day. A calendar day, computed consistent with ORS 174.120.

Day Care Nurseries. Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Deflation Plain. The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

Department. The Lane County Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

- (1) The limits of dredging precision which causes "overdepth"; and
- (2) The practice, where approved by the Corps of Engineers, of "advanced maintenance" overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

Destroy. To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.

Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.

Dune. A hill or ridge of sand built up by wind along sandy coasts.

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.

Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable

foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

Dune, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.

Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, mobile homes and camping vehicles. Where the term, "dwelling," is used in Lane Code Chapter 16, it shall mean a single-family dwelling unless otherwise noted.

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other and having housekeeping facilities for each family.

Enhancement. An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.

Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.

Estuary/Estuarine. A body of water semienclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.

Exploration. Superficial survey measures which do not include active seismic surveys or prospect well drilling.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Family. An individual or two or more persons related by blood or marriage or group of not more than five persons (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.

Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide either full-time or part-time supervision and care for no more than 12 children including the children of the resident-operator(s).

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

(2) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;

(3) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);

(5) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or

(6) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition.

Fill. The placement by humans of sand, gravel, earth, sediment or other material to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (nonfloating) and dredge material can also be considered fill if they: (a) involve the human placement of materials; and (b) create new uplands or raise the elevation of land.

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters from any source.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

Floor, Habitable. A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or

vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

Foredune, Active. An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.

Foredune, Conditionally Stable. An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

Foredune, Older. A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

Forest Operation. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

Forest Uses. Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.

Garage, Public Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

General Merchandise. Items for human use, including: books and stationary, newspapers and magazines, clothing, furniture, drugs, curios and antiques, plants and flowers, household goods and furnishings, musical instruments and supplies, seeds and garden supplies, sporting goods, jewelry, art objects and supplies, pottery, handicrafts, photographic supplies, optical goods.

Grazing. The use of land for the pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals alone or in conjunction with agricultural pursuits.

Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.

Group Care Home. Any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

Guest House, Servant's Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.

Hearings Official. A person who has been appointed by the Board of County Commissioners to serve at its pleasure and at a salary fixed by it.

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a

historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

Historic Structure or Site. Property which had been identified by Lane County in its adopted Rural Comprehensive Plan findings as:

- (1) Historically significant.
- (2) In need of protection in order to preserve its historical significance, and for which the means of protection shall be the application of the Historic Structures or Sites Combining (/H-RCP) Zone.

The above sites are also identified separately in LM 11.300.

Horticultural Specialties. A crop distinguishable from typical commercial crops mentioned in the farm groupings of the EFU zone which are conducive to intensive management techniques.

Hydraulic. Related to the movement or pressure of water.

Hydraulic hazards. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

Hydraulic processes. Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes and rivers).

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

Indigenous Vegetation. Plant species not introduced directly or indirectly into a particular area from the outside. Originating or developing or produced naturally in a particular area.

Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

Interdune Area. Low-lying areas between higher sand landforms and which are generally under water during part of the year.

Interior Lot. A lot, other than a corner lot, having frontage on only one street.

Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHHT).

Jetty. A structure extending seaward from the mouth of a river designed to stabilize the river mouth by preventing the build up of material at the river's mouth, and to direct or confine the stream or tidal flow.

Kennel; Commercial. A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Commercial Breeding. A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Noncommercial. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

Lawfully Established Unit of Land.

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or
- (2) Another unit of land:
 - (a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
 - (b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
 - (c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.

Loading Space. An off street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lot. A unit of land that is created by a subdivision of land.

Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.

Lot Line; Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line; Side. Any lot line which is not a front or rear line.

Lot of Record. A legal lot which meets all of the lot of record standards specified in ORS Chapter 215 (Sections 9 to 13, Chapter 884, Oregon Laws) and is entitled to a dwelling or mobile home irrespective of land use regulations.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Low Intensity. An activity or use conducted at a level that does not require developed facilities and can be accommodated without change to an area or resource.

Main Channel. That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.

Maintain. Support, keep, and continue in an existing state or condition without decline.

Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code.

Map, Partition. A final diagram and other documentation relating to a major or minor partition.

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

Mining. All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.

Minor Navigational Improvements. Alterations necessary to provide water access to existing or permitted uses in conservation management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

Mitigation. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); the creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Mobile Home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed before January 1, 1962; or a mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities is intended for human occupancy and is being used for residential purposes and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in

connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

Natural Areas. Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural historical, scientific, or paleontological features, or for the appreciation of natural features.

Natural Hazards. Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that as defined by "Residential Home".

Ocean Flooding. The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

100 Year Flood. See "Base Flood".

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

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

Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

Parcel.

- (1) Includes a unit of land created:
 - (a) by partitioning land as defined in LC 16.090,
 - (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or

(c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

(2) It does not include a unit of land created solely to establish a separate tax account.

Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

Parking Area, Public. Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.

Parking Space. A permanently maintained space with proper access for one standard sized automobile.

Partition. Either an act of partitioning land or an area or tract of land partitioned.

Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:

(1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;

(3) Dividing land as a result of the recording of a subdivision or condominium plat;

(4) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Party. With respect to actions pursuant to LC 14.100 and LC 14.200, the following persons or entities are defined as parties:

(1) The applicant and all owners or contract purchasers of record, as shown in the files of the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.

(2) Any County official.

(3) Any person, or his or her representative, and entity who is specially, personally or adversely affected by the subject matter, as determined by the Approval Authority.

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board of Commissioners and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

Personal Services. Laundering, dry cleaning and dyeing; rug cleaning and repair; photographic services; beauty and barber shops; apparel repair and alterations; shoe repair and maintenance; etc.

Planning Commission. The Planning Commission of Lane County, Oregon.

Plat. A final diagram and other documents relating to a subdivision.

Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Primary Processing Facility. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this definition, means timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.

Professional Services. Medical and health services, legal services and other professional services, including those related to: engineering, architecture, education, scientific research, accounting, planning, real estate, etc.

Property Line. "Property line" means the division line between two units of land.

Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

Received. Acquired by or taken into possession by the Director.

Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

(1) Low-Intensity Recreation. Activities that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.

(2) High-Intensity Recreation. Uses specifically built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, concentrated OHV use, golf courses, public beaches, and marinas are examples of high-intensity recreation.

Recreational Vehicle. A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

Recreational Vehicle Park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special

purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

Removal. The act of removing or fact of being removed by a person: i.e., to cut the main stem or trunk of vegetation or to spray the foliage of vegetation which results in the significant loss of growth or health or the death of vegetation; to mechanically or manually disrupt or dislodge the root structure of vegetation resulting in significant loss of growth or health or causing the death of vegetation.

Replacement in Kind. The replacement of a structure of the same size as the original and at the same location on the property as the original.

Residential Care Facility. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Residential Home. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Restoration, Active. Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

Restoration, Estuarine. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

Restoration, Passive. The use of natural processes, sequences and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Restoration, Shorelands. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD); shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

Roadside Stand. A use providing for the retail sale of any agricultural produce where more than one-half of the gross receipts result from the sale of produce grown on the unit of land where the roadside stand is located.

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;

(2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or

(3) In an unincorporated community.

School. A place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of Education is provided.

Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

(1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

(2) Sewerage Facility, Individual. A privately owned sewage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

(3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Shelter Home. A certified foster home or a licensed facility contracted with the state Children's Services Division for the purpose of safekeeping of children taken into temporary custody pending investigation and disposition, where the circumstances are such that the children need not be kept in secure custody.

Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.

Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot.

Solid Waste Management. A planned program providing for the collection, storage and disposal of solid waste including, where appropriate, recycling and recovery.

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State Plane Coordinate System. The system of plane coordinates which has been established by the U.S. Coast & Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Oregon.

Structure. Synonymous with the definition of building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Structure or Facility that Provides Water-Dependent Access. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time THAT is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) Alterations necessary for federally authorized projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

Tidal Marsh. Wetlands from lower high water(LHW) inland to the line of non-aquatic vegetation.

Tract. A lot or parcel as defined in LC 16.090.

Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have

concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

Urbanizable. Those lands within an urban growth boundary and which are identified and (a) determined to be necessary and suitable for future urban use areas, and (b) can be served by urban services and facilities, and (c) are needed for the expansion of an urban area.

Use. The purpose for which land, submerged or submersible lands, the water surface or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Veterinary Clinic. Synonymous with the definition of "animal hospital".

Water Dependent Use. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

(1) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); the following definitions apply:

(a) "Access" means physical contact with or use of the water;

(b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

(c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) "Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

(e) "Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) "Water-borne transportation" means use of water access:

(i) Which are themselves transportation (e.g., navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities).

(2) Typical examples of "water dependent uses" include the following:

(a) Aquaculture.

(b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.

(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

(e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.

(f) Recreational. Recreational marinas, boat ramps and support.

Water Oriented Use. A use whose attraction to the public is enhanced by a view of or access to coastal waters.

Water Related Use. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result in public loss of quality in the goods or services offered. Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoil or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines.

Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided herein.

Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

Yard, Rear. An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10)*

16.095 Compliance With LC Chapter 15, Roads.

Development subject to the provisions of this chapter shall comply with LC Chapter 15, Roads. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

DEVELOPMENTAL APPROVAL PROCEDURES RURAL COMPREHENSIVE PLAN

16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.

Lane Code Chapter 14 is the procedure for submittal, acceptance, investigation and review of applications for development of lands under the jurisdiction of the Lane County Rural Comprehensive Plan with these additions:

(1) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 above instead of as specified in LC 14.015.

(2) Ex Parte Contacts. A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC 14.200(5)(a). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 5-02, 8.28.02)*

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

16.211 Impacted Forest Lands Zone (F-2, RCP).

(1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through 215.799.

(2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures that are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(c) Physical alteration 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. "Auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

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

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an

application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).

(i) 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.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(e-e) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, 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;

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

(iv) 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.

(v) 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.

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

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

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

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(3)(f-f) below if it will not significantly increase fire hazard or

significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

- (a) Permanent logging equipment repair and storage.
- (b) Log scaling and weigh stations.
- (c) Private parks and campgrounds that comply with these requirements:
 - (i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, division 4;
 - (ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
 - (iii) A campground shall 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;
 - (iv) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. A 'yurt' means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;
 - (v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by LC 16.211(3)(c)(iv) above;
 - (vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and
 - (vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period.
- (d) Public parks including those uses specified under OAR 660-034-0035.
- (e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (f) Fire stations for rural fire protection.
- (g) Commercial utility facilities for the purpose of generating power that do not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, division 4.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.

(l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.

(n) Home occupations that comply with these requirements:

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

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;

(iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;

(v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;

(vi) Shall comply with sanitation and building code requirements;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

(ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"

(iii) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured dwelling or park model recreation vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements;

(vi) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vii) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(iii) Improvement of public roads and highway-related public 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;

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).

(x) Replacement of an intersection with an interchange, subject to LC 16.211(13).

(xi) Continuous median turn lanes subject to LC 16.211(13).

(xii) Subject to LC 16.211(13), 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. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these 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;

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Accommodations are located within one-quarter mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities described by ORS 526.215 or where accessory to forest operations.

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

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

(w) Exploration for mineral and aggregate resources as defined in ORS chapter 517.

(x) Uninhabitable structures accessory to fish and wildlife enhancement.

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both 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 and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these 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;

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Shall not significantly conflict with the existing uses on adjacent and nearby lands.

(e-e) An outdoor mass gathering, and any part of which is held in open spaces, of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

(i) The application has 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.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property.

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) An alteration or replacement of a dwelling or manufactured dwelling allowed by LC 16.211(4)(a) above shall be located on the same site as the existing dwelling or manufactured dwelling. For the purpose of LC 16.211(4)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(v) Land use approval of a permit described in LC 16.211(4)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(b) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling or manufactured dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(5) **Template Dwelling.** One single-family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

(a) The tract upon which the dwelling or manufactured dwelling will be located has no other dwellings or manufactured dwellings on it. As used in LC 16.211(5), "tract" means one or more contiguous lots or parcels in the same ownership and contiguous means adjacent or touching. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) The lot or parcel upon which the dwelling or manufactured dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling or manufactured dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing zero to 49 cubic feet per acre per year of wood fiber; and

(aa) 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 measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or permanent manufactured dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or permanent manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

(aa) 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 measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings or permanent manufactured dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or permanent manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings or permanent manufactured dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or permanent manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

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

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel on which the dwelling or manufactured dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(7), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

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

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

(iii) Shall, together with a map or other record depicting any tract that does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property that is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(6) Lot of Record Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes 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.

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

(c) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(d) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(e) The tract on which the dwelling will be sited does not include a dwelling.

(f) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(g) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall meet the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be 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.

(h) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.

(i) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

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

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(j) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC 14.700(2).

(k) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(7) Large Tract Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

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

(b) Is sited on a tract that does not contain a dwelling or manufactured dwelling.

(c) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(d) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel where the dwelling or manufactured dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(7)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument

provided to the Director. The covenants, conditions and restrictions in the deed restriction:

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

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

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.

(e) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(e)(i) through (iv) below:

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

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(f) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h) and (j), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured 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 away from any ravine, ridge or slope greater than 40 percent;

(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above 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) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all property lines other than those described in LC 16.211(8)(a)(v)(aa) above; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) 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. 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 shall 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 shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75

25	30	100
40	30	150

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

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

(ii) Structural Fire Protection. The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall 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 shall 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(8)(d) 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 shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. 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 fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting 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.

(i) Road and Driveway Surfaces. Roads shall 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 shall 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 shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not more than 500 feet. Turnarounds shall 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) shall 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 shall be constructed to the standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall 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 shall 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 shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall 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.

(iii) Bridges and Culverts. Bridges and culverts shall 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.

(iv) Road and Driveway Grades. Road and driveway grades shall not 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 fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall 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.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) 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 fire fighting equipment from its point of origination to its point of destination.

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

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

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

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

(10) Area. The minimum area requirement for the division of land is 80 acres subject to compliance with the requirements of LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans except as follows:

(a) A parcel containing less than 80 acres may be allowed to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel shall not be eligible for siting a new dwelling;

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

(iv) Shall not result in a parcel of less than 35 acres, except:

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

(bb) Where the purpose of the land division is to allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) If associated with the creation of a parcel where a dwelling or manufactured dwelling is involved, the parcel containing the dwelling or manufactured dwelling shall contain at least 80 acres;

(vi) Shall not, as the result of the land division, be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.211(10)(a) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(viii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(b) New land divisions less than the 80 acre parcel size required by LC 16.211(10) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(c) A division of a lot or parcel for an existing dwelling or manufactured dwelling subject to compliance with these requirements:

(i) The parcel established for the existing dwelling or manufactured dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(ii) The dwelling or manufactured dwelling lawfully existed prior to June 1, 1995;

(iii) The remaining parcel not containing the dwelling or manufactured dwelling shall:

(aa) contain at least 80 acres; or

(bb) be consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above shall provide evidence that a restriction on the remaining parcel, not containing the dwelling or manufactured dwelling, has been recorded with Lane County Deeds and Records. The restriction shall allow no dwellings or manufactured dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.211(10)(c) above shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and

(vii) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.

(d) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) A lot or parcel may not be divided under Lane Code 16.211(10)(d) 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;

(vi) A landowner allowed a division under LC 16.211(10)(d) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner and the landowner's successors in interest will not in the future

complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to statewide planning goals protecting forest land 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 or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for division under restrictions imposed by LC 16.211(10)(d)(vii) above. The record shall be readily available to the public.

(e) 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 LC 16.211(10)(e)(i)-(iv), below:

(i) 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:

(aa) 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; or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting of a dwelling as may be authorized under LC 16.211(5)-(7), based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall 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:

(aa) 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

(bb) 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.

(iii) If a proposed division of land under LC 16.211(10)(e) 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.

(iv) The Planning Director shall maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.211(10)(e)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(11) Youth Camps. The purpose of LC 16.211(11) below 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. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of

persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.120. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority 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 LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) 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 shall be 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. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) 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 shall 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 shall be 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:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) 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 Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) 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, horse back 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 shall not be 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;

(ii) Primary cooking and eating facilities shall 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 shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) 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;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s)

in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall 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 the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority 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.

(j) The Approval Authority shall require 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.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

(a) 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;

(b) 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

(c) 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. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 7-10, 11.25.10)*

**EXCLUSIVE FARM USE ZONE (E-RCP)
RURAL COMPREHENSIVE PLAN**

16.212 Exclusive Farm Use Zone (E-RCP).

(1) Purpose. The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

(2) Definitions. Except as otherwise provided in LC 16.212(2) below, the definitions in LC 16.090 shall be used for LC 16.212.

(a) Contiguous. "Contiguous" means connected in such a manner as to form a single block of land.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. "Reconfigured" means any change in the boundary of the lot, parcel or tract.

(c) Dwelling. "Dwelling" means a "Dwelling, Single-Family" as defined by LC 16.090 and may include a manufactured dwelling. "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

(d) Farm Unit. "Farm Unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in LC 16.090.

(e) High Value Farmland. "High value farmland" means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) and (ii) above and the following soils:

(aa) Subclassification 11e, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hullt, Jory, Kinton, Latourell, Laurelwood, Melbourne,

Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(iv) In addition to that land described in LC 16.212(2)(e)(i), (ii) and (iv) above, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, Brenner and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(v) In addition to that land described in LC 16.212(2)(e)(i) through (ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and

(cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(vi) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of "high value farmland."

(f) Irrigated. "Irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is 'irrigated' if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

(g) Tract. "Tract" means one or more contiguous lots or parcels under the same ownership.

(3) Permitted Uses. In the E-RCP Zone, the following uses and activities are allowed without notice and the opportunity for appeal subject to compliance with the general provisions and exceptions set forth by this chapter. A determination by the director for whether or not a use fits within the classification of uses listed in LC 16.212(3) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a

determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.212(3) below.

- (a) Farm Use (See the definition of "farm use" in LC 16.090).
- (b) Propagation or harvesting of a forest product.
- (c) Other buildings customarily provided in conjunction with farm use.
- (d) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- (e) Operations for the exploration for minerals as defined by ORS 517.750.
- (f) Creation of, restoration of, or enhancement of wetlands.
- (g) A winery that:
 - (i) Is a facility producing wine with a maximum annual production of less than 50,000 gallons and:
 - (aa) Owns an on-site vineyard of at least 15 acres;
 - (bb) Owns a contiguous vineyard of at least 15 acres;
 - (cc) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - (dd) Obtains grapes from any combination of the LC 16.212(3)(g)(i)(aa) through (cc) above;
 - (ee) Complies with LC 16.212(3)(g)(v) and (vii) through (xiii) below; or
 - (ii) Is a facility producing wine with a maximum annual production of at least 50,000 and:
 - (aa) Owns an on-site vineyard of at least 40 acres;
 - (bb) Owns a contiguous vineyard of at least 40 acres;
 - (cc) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery; or
 - (dd) Obtains grapes from any combination of the requirements in LC 16.212(3)(g)(ii)(aa) through (cc) above;
 - (ee) Complies with LC 16.212(3)(g)(v) and (vii) through (xiii) below; or
 - (iii) Is a facility producing wine that complies with the following:
 - (aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - (bb) Owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(3)(g)(iii)(aa) above;
 - (cc) Has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under LC 16.212(3)(g)(iii) above; and
 - (dd) LC 16.212(3)(g)(vi) through (xiii) below.
 - (iv) Prior to the issuance of a permit to establish a winery under LC 16.212(3)(g) above, the applicant shall show that vineyards described in LC

16.212(3)(g)(i), (ii) or (iii) above have been planted or that the contract has been executed, as applicable.

(v) A winery described in LC 16.212(3)(g)(i) or (ii) above may:

(aa) Market and sell wine produced in conjunction with the winery, including the following activities:

(A) Wine tours;

(B) Wine tastings in a tasting room or other location at the winery;

(C) Wine clubs; and

(D) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(bb) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010; and

(cc) Provide services including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year.

(dd) The gross income of the winery from the sale of incidental items pursuant to LC 16.212(3)(g)(v)(bb) above and services provided pursuant to LC 16.212(3)(g)(v)(cc) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(ee) Beginning January 1, 2013, at the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(3)(g)(v)(dd) above for the previous tax year; (cc) Notwithstanding LC 16.212(3)(g)(v)(aa) above, a setback of less than 100 feet may be established provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.

(vi) A winery described in LC 16.212(3)(g)(iii) above may:

(aa) Market and sell wine produced in conjunction with the winery, including the following activities:

(A) Wine tours;

(B) Wine tastings in a tasting room or other location at the winery;

(C) Wine clubs; and

(D) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(bb) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010, wine not produced in conjunction with the winery and gifts; and

(cc) Provide services, including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year.

(dd) The gross income of the winery from the sale of incidental items pursuant to LC 16.212(3)(g)(vi)(bb) above and services provided pursuant to LC 16.212(3)(g)(vi)(cc) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(ee) Beginning January 1, 2013, at the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(3)(g)(vi)(dd) above for the previous tax year.

(ff) Sell or deliver items or provide services not described in LC 16.212(3)(g)(vi)(bb) or LC 16.212(3)(g)(vi)(cc) or LC 16.212(3)(g)(vi)(dd) above under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) below.

(gg) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery shall be limited to operating a restaurant that is open to the public for no more than 25 days in a calendar year. A winery described in LC 16.212(3)(g)(iii) above may operate a restaurant that is open to the public for more than 25 days in a calendar year and may provide for private events on more than 25 days in a calendar year under LC 16.212(4)(n-n) below.

(hh) A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(3)(g)(iii) above or LC 16.212(4)(n-n) below.

(vii) A winery operating under LC 16.212(3)(g)(i), (ii) or (iii) above shall demonstrate compliance with the following standards:

(aa) The winery shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places shall be setback at least 100 feet from all property lines; and

(cc) The winery shall provide for direct road access and internal circulation.

(viii) A winery operating under LC 16.212(3)(g)(i), (ii) or (iii) above shall comply with:

(aa) The requirements of LC 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;

(bb) Regulations for the public health and safety; and

(cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(ix) The Approval Authority may issue a permit for a winery operating under LC 16.212(3)(g) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(3)(g) in similar circumstances before August 2, 2011.

(x) As used in LC 16.212(3)(g) above, "private events" includes, but is not limited to, facility rentals and celebratory gatherings.

(xi) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that exists on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(3)(g)(v)(dd) or LC 16.212(3)(g)(vi)(dd) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(xii) A use or structure in an area zoned for exclusive farm use that exists on June 28, 2011 may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use or structure is located on the same tract as a winery established under LC 16.212(3)(g) that produced more than 250,000 gallons of wine in calendar year 2010.

(aa) LC 16.212(3)(g)(xii) does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(xiii) A winery established under LC 16.212(3)(g) that produced more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a permit under LC 16.212(4)(c). However, the winery must comply with all provisions of LC 16.212(3)(g)(i) or (ii) except the annual production requirements.

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

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

(k) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(l) 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.

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

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

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

(p) On-site filming and activities accessory to onsite filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities

accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(iii) As used in LC 16.212(3)(q), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in LC 16.212(3)(q), "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(iv) As used in LC 16.212(3)(q), "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the buildings or facility pre-existed the use approved under this subsection. The site shall not include an aggregate surface or hard surface unless the surface preexisted the use approved under this subsection. An owner of property used for the purpose authorized in this subsection may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this subsection, "model aircraft" means a small version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(s) Fire service facilities providing rural fire protection services.

(t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities associated, not including parks or other recreational structures and facilities, with a district as defined in ORS 540.505.

(u) Utility facility service lines that are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(i) A public right of way;

(ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(iii) The property to be served by the utility.

(v) An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(e-e) below. "Outdoor mass gathering" or "other gathering," as those terms are used in LC 16.212(3)(v), do not include agri-tourism or other commercial events and activities.

(w) Composting operations and facilities that comply with these requirements:

(i) Composting operations and facilities shall:

(aa) Be accepted farming practices in conjunction with and auxiliary to farm use on the subject tract;

(bb) Limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility; and

(cc) Meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.

(ii) Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(iii) Composting operations and facilities on land not defined as high value farmland and that do not constitute accepted farming practices in conjunction with and auxiliary to farm use on the subject tract are subject to review under LC 16.212(4)(q).

(x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting farm buildings, when:

(i) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(4) Special Uses - Director Approval. These uses are allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. .

(a) Home occupations that comply with these requirements:

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

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;

(iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;

(v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;

(vi) LC 16.212(10)(f) through (g) below;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority;

(ix) May include the parking of vehicles if the home occupation is located on high value farm land; and

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written

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

(b) A residential home or facility that complies with these requirements:

(i) Shall be a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home;

(ii) Shall be located in a lawfully existing residence; and

(iii) LC 16.212(10)(f) through (h) below.

(c) Commercial activities in conjunction with farm use including the commercial processing of farm crops into biofuel not permitted as a farm use or pursuant to LC 16.212(4)(h) below, that comply with LC 16.212(10)(f) through (g) below.

(d) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities that comply with these requirements:

(i) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division; and

(ii) LC 16.212(10)(f) through (g) below.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in LC 16.090. Such a facility may be approved for a one year period that is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a tract where the primary processing facility is located.

(f) A transmission tower over 200 feet in height, not including a telecommunication facility defined by LC 16.264(2), that complies with LC 16.212(10)(f) through (g) below.

(g) Room and board arrangements for a maximum of five unrelated persons in an existing dwelling that comply with LC 16.212(10)(f) through (h) below.

(h) A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(iii) A processing facility shall comply with applicable requirements in LC 16.212(10)(a) through (e) below. These requirements shall not be applied in a manner that prohibits the siting of the processing facility; and

(iv) A land division of a lot or parcel shall not be approved that separates the processing facility from the farm operation on which it is located.

(i) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, provided such utility facilities comply with these requirements:

(i) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

(aa) Technical and engineering feasibility;

(bb) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned E-RCP in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(cc) Lack of available urban and non-resource lands;

(dd) Availability of existing rights of way;

(ee) Public health and safety; and

(ff) Other requirements of state and federal agencies.

(ii) Costs associated with any of the factors listed in LC 16.212(4)(i)(i) above may be considered, but cost alone may not be the only consideration of determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(iii) The owner of a utility facility approved under LC 16.212(4)(i) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in LC 16.212(4)(i) above shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(iv) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order

to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(v) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Off-site facilities allowed under this paragraph are subject to LC 16.212(10)(f) through (g) below. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval;

(vi) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

(vii) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264;

(viii) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and

(ix) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(j) Publicly owned parks and playgrounds that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Public parks shall include only those uses specified under OAR 660-034-0035;

(iii) A public park may be established consistently with ORS 195.120; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(j) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(j)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(j)(iv) above.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall 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 and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

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

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iii) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(vi) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(k) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(k)(vi) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(k)(vi) above.

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(l) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(l)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(l)(iv) above.

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) 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 and that complies with LC 16.212(10)(f) through (g) below.

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

- (vii) Pipelines.
- (viii) Navigation channels.
- (ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).
- (x) Replacement of an intersection with an interchange.
- (xi) Continuous median turn lanes.
- (xii) 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. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- (xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.
- (p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:
 - (i) LC 16.212(10)(f) through (g) below;
 - (ii) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture; and
 - (iii) The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.
- (q) Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 and that comply with these requirements:
 - (i) Uses described in LC 16.212(4)(q) above are not permitted on high value farm land;
 - (ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(q)(i) above and (v) below, lawfully existing facilities described in LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;
 - (iii) Composting operations and facilities allowed on land not defined as high value farmland shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and
 - (iv) LC 16.212(10)(f) through (g) below.
- (r) Churches and cemeteries in conjunction with churches that comply with these requirements:
 - (i) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(r) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(r)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(r)(iv) above.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995;

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(s) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(s)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of

law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(s)(iii) above.

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65;

(iii) LC 16.212(10)(f) through (g) below; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(t) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(t)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(t)(iv) above.

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding; or dog training classes or testing trials that cannot be established under LC 16.212(3)(x) above that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(v)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(v) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted

vineyard” means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iv) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a public or private school formerly allowed pursuant to LC 16.212(4)(b-b), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:

(aa) LC 16.212(10)(f) through (g) below;

(bb) The public or private school was established on or before January 1, 2009; and

(cc) The expansion occurs on:

(i-i) The tax lot on which the public or private school was established on or before January 1, 2009; or

(ii-ii) A tax lot that is contiguous to the tax lot described in LC 16.212(4)(b-b)(iv)(cc)(i-i) above and that was owned by the applicant on January 1, 2009.

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(b-b) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(b-b)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(b-b)(v) above.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New destination resorts are not permitted on high value farm land.

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(c-c)(ii) above, lawfully existing destination resorts described in LC 16.212(4)(c-c) above that are on high value farm land may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(d-d) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)(d-d) are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(e-e) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period, and that complies with these 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.

(f-f) Armed forces reserve center that complies with these requirements:

(i) The center is within one-half mile of the main campus of a community college;

(ii) An "armed forces reserve center" includes an armory or National Guard support facility; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(f-f) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(f-f)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(f-f)(iii) above.

(g-g) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(g-g) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(g-g)(ii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(g-g)(ii) above.

(h-h) Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "Golf Course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;

(ee) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts,

swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ff) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Uses allowed by LC 16.212(4)(h-h) above are not allowed on high value farm land as defined in ORS 195.300;

(iv) Notwithstanding LC 16.212(4)(h-h)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(h-h)(i) through (ii) above, but shall not be expanded to contain more than 36 holes; and

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(h-h) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(h-h)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(h-h)(v) above.

(i-i) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities, which comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) On high value farm land, the power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor

amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(i-i) above are allowed subject to compliance with ORS 469.504.

(j-j) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

- (i) LC 16.212(10)(f) through (g) below; and
- (ii) OAR 660-033-0130(37).

(k-k) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

- (i) LC 16.212(10)(f) through (g) below; and
- (ii) OAR 660-033-0130(38).

(l-l) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with ORS 215.246 through 215.251.

(m-m) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.

(n-n) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for private events occurring on more than 25 days in a calendar year subject to the following requirements:

(i) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;

(ii) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(4)(n-n)(i) above; and

(iii) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under LC 16.212(4)(n-n) above.

(iv) Prior to the issuance of a permit to establish a winery under LC 16.212(4)(n-n) above, the applicant shall show that vineyards described in LC 16.212(4)(n-n)(i) through (ii) above have been planted;

(v) A winery described in LC 16.212(4)(n-n)(i) through (iii) above may:

(aa) Market and sell wine produced in conjunction with the winery, including the following activities:

- (A) Wine tours;
- (B) Wine tastings in a tasting room or other location at the winery;
- (C) Wine clubs; and

(D) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(bb) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010, wine not produced in conjunction with the winery and gifts; and

(cc) Provide services, including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year.

(dd) The gross income of the winery from the sale of incidental items pursuant to LC 16.212(4)(n-n)(v)(bb) above and services provided pursuant to LC 16.212(4)(n-n)(v)(cc) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(ee) Beginning January 1, 2013, at the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(4)(n-n)(iv)(dd) above for the previous tax year.

(ff) Sell or deliver items or provide services not described in LC 16.212(4)(n-n)(v)(bb) or LC 16.212(4)(n-n)(v)(cc) or LC 16.212(4)(n-n)(v)(dd) above under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above;

(gg) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.

(hh) A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(3)(g) above or LC 16.212(4)(n-n) above;

(vi) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for private events occurring on more than 25 days in a calendar year shall demonstrate that the restaurant and/or events comply with the following standards:

(aa) LC 16.212(10)(f) through (g) below;

(bb) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(cc) Does not materially alter the stability of the land use pattern in the area.

(vii) If the Approval Authority issues a permit under LC 16.212(4)(n-n)(vi) above for private events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(viii) A winery operating under LC 16.212(4)(n-n) above shall demonstrate compliance with the following standards:

(aa) The winery shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places shall be setback at least 100 feet from all property lines; and

(cc) The winery shall provide for direct road access and internal circulation.

(ix) A winery operating under LC 16.212(4)(n-n) above shall comply with:

- (aa) The requirements of LC 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;
- (bb) Regulations for the public health and safety; and
- (cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(x) A winery that conducts events or uses authorized under LC 16.212(4)(n-n) above shall not conduct events or activities authorized under LC 16.212(4)(o-o) below.

(xi) The Approval Authority may issue a permit for a winery operating under LC 16.212(4)(n-n) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(3)(g) in similar circumstances before August 2, 2011.

(xii) As used in LC 16.212(4)(n-n) above, "private events" includes, but is not limited to, facility rentals and celebratory gatherings.

(xiii) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that exists on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(4)(n-n)(v)(dd) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(o-o) Agri-tourism and other commercial events or activities that are related to and supportive of agriculture and that comply with these requirements:

(i) Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if in compliance with LC 16.212(4)(o-o)(iii) and (v) below; or

(ii) Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with LC 16.212(4)(o-o)(i) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial events or activities are in compliance with LC 16.212(4)(o-o)(iv) and (v) below.

(iii) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) above shall comply with the following standards:

(aa) Must be incidental and subordinate to existing farm use on the tract; and

(bb) May not, individually, exceed a duration of 72 consecutive hours.

(cc) Limited Use Permits approved under LC 16.212(4)(o-o)(i) shall be valid for two years from the date of the approval.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(i) may be renewed for an additional two years subject to:

(A) An application for renewal; and

(B) Demonstration of compliance with the provisions of LC 16.212(4)(i) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(iv) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(ii) above shall comply with the following standards:

(aa) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(bb) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(cc) Do not exceed 18 events or activities in a calendar year.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) shall be valid for two years from the date of the approval.

(ee) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) may be renewed at four year intervals subject to:

(A) An application for renewal;

(B) Public notice and public comment as part of the review process; and

(C) Demonstration of compliance with the provisions of LC 16.212(4)(ii) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(v) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) and (ii) above shall comply with the following standards:

(aa) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(bb) LC 16.212(10)(f) through (g);

(cc) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and

(dd) Must comply with conditions established for:

(A) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(B) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(C) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(D) Sanitation and solid waste.

(ee) The Approval Authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under LC 16.212(4)(o-o)(i) or (ii). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The Approval Authority may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under LC 16.212(4)(o-o)(i) or (ii), including, but not limited to, grading, filling or paving.

(ff) A winery that conducts events or uses authorized under LC 16.212(4)(o-o) above shall not conduct events or activities authorized under LC 16.212(4)(n-n) above.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use

authorized under LC 16.212(5) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) The alteration, restoration, or replacement in the same location of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling shall be sited in the same location as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling;

(v) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vi) The dwelling to be replaced for which the applicant has requested a deferred replacement permit, shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

(vii) LC 16.212(10)(h) below; and

(viii) Land use approval of a permit described in LC 16.212(5)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(a)(viii) above may be made and approved pursuant to LC 14.700(2).

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a

hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, shall execute and record in the Lane County deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The release shall be signed by the Director and state that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(iv) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(v) The dwelling to be replaced for which the applicant has requested a deferred replacement permit, shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

(vi) LC 16.212(10)(h) below; and

(vii) Land use approval of a permit described in LC 16.212(2)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(b)(vii) above may be made and approved pursuant to LC 14.700(2).

(c) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing

or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below;

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite", as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(9)(a); and

(iv) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to in LC 16.212(5)(c) above.

(d) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(ii) The temporary manufactured dwelling or park model recreation vehicle will comply with Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above; and

(vii) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to LC 16.212(5)(d) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years;

(ii) Except as permitted in ORS 215.213(1)(r)(1999 Edition) for seasonal farm worker housing, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(a)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling;

or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

(B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above; or

(dd) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(6)(b)(ii)(dd) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of

the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding,

milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(6)(f)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$80,000 in gross farm income in the last two years, or three of the last five years or an average in three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland. The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

- (i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;
 - (ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;
 - (iii) The subject tract is currently employed for farm use as defined in LC 16.090;
 - (iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 - (v) LC 16.212(10)(h) below.
- (b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:
- (i) The subject tract is currently employed for farm use that produced in the last two years, or three of the last five years or an average of three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;
 - (ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;
 - (iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;
 - (iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and
 - (vi) LC 16.212(10)(h) and (i) below.
- (c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:
- (i) The farm operation or woodlot:
 - (aa) Consists of 20 or more acres; and
 - (bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;
 - (ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and
 - (iii) LC 16.212(10)(f) through (i) below.
- (d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(c) above is allowed subject to compliance with the following requirements:
- (i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

- (ii) The lot or parcel where the dwelling will be located:
 - (aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;
 - (bb) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or
 - (cc) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and
 - (iii) LC 16.212(10)(f) through (h) below.
- (e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:
 - (i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;
 - (ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or
 - (iii) The accessory farm dwelling will be located on:
 - (aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:
 - (A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or
 - (B) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above; or
 - (cc) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(7)(e)(iii)(cc) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;
 - (iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;
 - (v) The primary farm dwelling to which the proposed dwelling would be accessory:
 - (aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with

annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$32,500 in gross farm income in the last two years, or three of the last five years or an average of three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

(d) <u>Farm Group</u>	<u>Size</u>
Cash grains	120 acres
Field crops (includes grass seed production)	160 acres
Tree fruit and nuts	40 acres
Horticultural specialties	20 acres
General farm, primarily crop	320 acres
Extensive animal grazing	120 acres
Intensive animal husbandry	40 acres
Dairy farm	240 acres
General farm, primarily livestock	80 acres
Berries and grapes	20 acres
Vegetables and melons	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the

requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25	25 acres
E-30	30 acres
E-40	40 acres
E-60	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

Land preparation.
 Ripping and plowing.
 Fencing.
 Surveying.
 Crop cultivation.
 Irrigation.
 Herbicide; fungicide and/or fertilizer application.
 Machinery.
 Accessory farm buildings.
 Breeding and livestock raising concerns.
 Labor.
 Projected expenses associated with the above.
 Date by which the farm management plan would be substantially

implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (q), (r), (s), (u), (v), (b-b), (e-e), (f-f), and (l-l) above.

(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

- LC 16.212(9)(a) above;
- (aa) Is equal to or larger than the minimum size required by
- (bb) Is not stocked to the requirements under ORS 527.610 through 527.770;
- (cc) Is composed of at least 95 percent Class VI through VIII soils;
- (dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and
- (ee) The new lot or parcel will not be smaller than 20 acres;
- (iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).
- (g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.
- (h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E-RCP) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.
- (i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:
 - (i) The parcel is not larger than the minimum size necessary for the use;
 - (ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and
 - (iii) Any additional tax imposed for the change in use has been paid.
- (j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:
 - (i) The parcel is not larger than the minimum size necessary for the use;
 - (ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and
 - (iii) Any additional tax imposed for the change in use has been paid.
- (k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:
 - (i) The church has been approved under LC 16.212(4)(u) above;
 - (ii) The newly created lot or parcel is not larger than five acres;
 - (iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.
- (l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:
 - (i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;
 - (ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

(m) A division of land may be allowed to create a parcel for the non-farm use identified in LC 16.212(3)(t) above provided:

(i) The parcel is not larger than the minimum size necessary for the use; and

(ii) Any additional tax imposed for the change in use has been paid.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a)(i)(aa) and (bb) above 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.

(ii) Dwellings to be sited upon all other tracts shall be sited as follows:

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

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall 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; and

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

(c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(d) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(e) Signs.

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

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

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

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) 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. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall 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.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10, 7-10, 11.25.10)*

**PARK AND RECREATION ZONE (PR-RCP)
RURAL COMPREHENSIVE PLAN**

16.215 Park and Recreation Zone (PR-RCP).

(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:

(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

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

(d) To implement the policies of the Lane County Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) 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.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration 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.

(d) Farm use.

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

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) 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.

(h) The following transportation facilities and uses:

(i) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

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

(iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) 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.

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

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

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

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Private hunting and fishing operations without any lodging accommodations.

(b) Caretaker residences for public parks and fish hatcheries.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Aids to navigation and aviation.

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

(g) The following transportation facilities and uses:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public 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 parcels.

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).

(x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.

(xi) Subject to LC 16.215(10)(h), continuous median turn lanes.

(xii) Subject to LC 16.215(10)(h), 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. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and 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.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.

(i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

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

(k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(l) Temporary portable facility for the primary processing of forest products.

(m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(n) Uninhabitable structures accessory to fish and wildlife enhancement.

(o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.

(b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and 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; and
 (ii) Only minor incidental and accessory retail sales are permitted.
 (iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

(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) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

(a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

(f) Gymnasium or athletic club.

(g) Yachting clubs.

(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

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

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

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

- (a) Race track.
- (b) Amusement park, carnival, circus.
- (c) Stadium.
- (d) Fairgrounds and amusement park.
- (e) Recreational shooting.
- (f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

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

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

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

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

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

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

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

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences 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; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above 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 riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope		
% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Building shall be restricted to slopes of less than 40 percent.

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

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

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

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

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of

access for fire fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire fighting 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. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall 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 equipment and containing rock 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 shall 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 shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall 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. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall 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.

(iii) Bridges and Culverts. Bridges and culverts shall 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.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) 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 fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below in LC 16.215(10)(vii).

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

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

(g) Signs.

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

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

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

(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall 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.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Youth Camps. The purpose of LC 16.215(12) below 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. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority 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 LC 16.215(12)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) 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 shall be 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. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) 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 shall 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 shall be 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:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) 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 Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) 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 shall not be 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;

(ii) Primary cooking and eating facilities shall 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 shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) 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;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.251(10)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in

which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall 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 the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority 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.

(j) The Approval Authority shall require 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. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**SAND, GRAVEL & ROCK PRODUCTS-CONTROLLED PROCESSING ZONE
(SG-CP-RCP)
RURAL COMPREHENSIVE PLAN**

16.218 Sand, Gravel & Rock Products-Controlled Processing Zone (SG-CP-RCP).

(1) Purpose. The provisions of the Sand, Gravel & Rock Products-Controlled Zone (SG-CP-RCP) are intended to provide more restrictive control of processing activities than the Sand, Gravel & Rock Products Zone (SG-RCP), for the purpose of encouraging the preservation and orderly extraction of sand and gravel deposits and for the protection of surrounding properties by the exercise of greater control over the location and operation of sand and gravel extraction processing activities. It is further intended by the establishment of the SG-CP-RCP Zone that the Comprehensive Plan for Lane County and any pertinent special studies shall be used as a basis to determine where this zone would be more appropriate than the SG-RCP Zone.

The SG-CP-RCP zone shall only be applied to those sites which have been evaluated consistently with the Statewide Planning Goal #5 Administrative Rule conflict resolution process.

(2) Regulations. The requirements of the SG-CP-RCP Zone shall be the same as provided in the SG-RCP Zone (LC 16.217), except as expressly provided in this section.

(a) Land Use Compatibility as Operation Standard. The Sand and Gravel Review Committee shall evaluate, in its consideration of operational plans as provided in LC 16.217(7), the location for the erection or enlargement of all processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, by the criteria set forth in LC 16.218(3) below. In addition to these criteria, the Review Committee shall consider compliance with the adopted Comprehensive Plan of Lane County and shall further consider special studies which have been developed for the subject area. Notwithstanding the provisions of 16.217(a)(v), the Committee shall disapprove all or a part of any portion of any operations plan involving such processing equipment or activities which, in the Committee's judgment, do not conform to the above-described criteria, plans or studies.

(b) Administration.

(i) In addition to the same administrative procedures as provided in LC 16.217(7)(a)(i) through (iv), the following procedures shall apply for (1) processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, and for (2) operations plans which include a request to vary the minimum setback dimensions provided in LC 16.217(5)(a) from an SG-CP-RCP Zone boundary.

(aa) Review Committee Action. Within seven days after obtaining the necessary recommendations of the Oregon State Lane Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall (a) approve the plans or require modification in the plans to conform with the requirements of this Chapter and with a river design plan which may be adopted by the Board, or (b) disapprove the plans as authorized in LC 16.218(2)(a) above. The Review Committee shall follow LC 14.100 when approving, modifying or denying plans. Decisions by the Review Committee pursuant to LC 14.100 may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.

(bb) Approved Plans. The operator shall be allowed to proceed in accordance with the plans as finally approved by the Sand and Gravel Review Committee, or Board of Commissioners in the event of appeal. The Director of Public Works shall be charged with the duty of determining if there has been compliance with

the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 16.262 of this Chapter or other applicable laws. The operator shall then be subject to the penalties of LC 16.263 of this Chapter or other applicable law, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law. Variances to dimensional standards provided in LC 16.217(5) shall be considered by the Review Committee as a part of the consideration of operational plans and are subject to the same standards and criteria contained in LC 16.217(7)(b).

(3) Operational Plan Approval Criteria. Compliance to the following criteria is required as provided in LC 16.218(2)(a) above:

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

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

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

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

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

(4) Permitted Uses. In the SG-CP-RCP zone, the following uses are permitted subject to the following restriction: For any property designated in the Eugene-Springfield Metropolitan Plan as significant in terms of OAR 660-16-000/025 and designated as 'IB', a Goal #5 ESEE consequences analysis per the Goal #5 Administrative Rule must first be completed. If the landowner and County do not agree on the method to achieve the Goal, the matter shall be forwarded to the Hearings Official for processing consistent with LC 16.100. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**PUBLIC FACILITIES ZONE (PF/RCP)
RURAL COMPREHENSIVE PLAN**

16.219 Public Facilities Zone (PF-RCP).

(1) Purpose. The Public Facilities Zone (PF-RCP) is intended to provide land for those public and semipublic functions that provide a service and are by nature an intensive or unusual use not normally associated with other zones. The zone is not intended for facilities that are primarily for an open space recreational nature, and is intended for those areas that have been included in an exception as part of the Rural Comprehensive Plan.

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

(a) Utilities essential to the physical, economic and social welfare of an area such as:

(i) Electric utility: electric transmission right-of-way, electric generation plant, electricity regulating substations.

(ii) Gas utility: gas pipeline right-of-way, natural or manufactured gas storage and distribution points, gas pressure control stations.

(iii) Water utility: water pipeline right-of-way, water treatment plants, water storage.

(iv) Sewage disposal: sewage treatment plants, sewage sludge drying beds, sewage pressure control stations.

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

(b) Educational services such as:

(i) Nursery, primary and secondary education.

(ii) Colleges and professional schools.

(iii) Special training schools such as those for: vocational, trade, business, art, music, dancing, driving, gymnastics, correspondence, etc.

(c) Religious activities, including churches, synagogues, temples, monastery or convent, etc.

(d) Welfare and charitable services.

(e) Professional membership organizations.

(f) Labor unions and similar labor organizations.

(g) Civic, social and fraternal associations.

(h) Business associations.

(i) Sports assembly, such as stadium, arenas and race tracks.

(j) Governmental services, such as post office, fire station and police station.

(k) Cemeteries.

(l) Fairgrounds which may include a race track.

(m) Health Services, such as dental, hospital, medical laboratory, dental laboratory, sanitarium, convalescent and rest home services, medical clinics.

(n) Communication and facilities, such as:

(i) Telephone: exchange stations, relay towers.

(ii) Telegraph: message centers, transmitting and receiving stations.

(iii) Radio: broadcasting studios, stations, towers.

(iv) Television: broadcasting studio, transmitting stations and relay tower.

(o) Heliport.

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

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

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

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

(b) Any use permitted in the M-1, RCP Zone (LC 16.224(1)).

(c) Bottling works, including alcoholic beverages.

(d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.

(e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.

(f) Feed and seed store.

(g) Freight and trucking yards or terminal.

(h) Mobile home sales and repairs.

(i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.

(j) Lumberyards and building material sales.

(k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.

(l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.

(m) Moving equipment rental, parcel delivery plant.

(n) Poultry or rabbit killing, incidental to a retail trade on the same premises.

(o) Tire recapping.

(p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

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

(i) Purpose and intent of this District.

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

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

- (bb) Parking demand, customer types and traffic generation.
- (cc) Intensity of land use of the site.
- (dd) Potential demand for public facilities and services.
- (ee) Products or services produced or vended on or from the

site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-2, RCP Zone.

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

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

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

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

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

(b) Any use permitted in the M-2, RCP Zone (LC 16.225(1)).

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

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

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

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

(i) Purpose and intent of this District.

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

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

use.

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

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

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

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

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

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

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

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

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

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

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

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

The /SN-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN-RCP Zone that require protection beyond that provided by the zone or zones with which the /SN-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /SN-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /SN-RCP Zone is combined. Where the requirements of the /SN-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(10) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /SN-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Shore-secured floating moorage facilities in adjacent water areas.

(f) Dredged material disposal when the /SN-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(g) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /SN-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237(6), (7) and (8) below.

(ii) Criteria and Conditions.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

(dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(ff) All otherwise applicable requirements of this section are met.

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /SN-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.237(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.

(bb) The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Rural Comprehensive Plan.

(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.

(dd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling-type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following uses are specially prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in the Lane County Rural Comprehensive Plan.

(6) Site and Development Requirements. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

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

(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.237(6)(a) above. Where vegetation removal beyond that allowed in LC 16.237(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /SN-RCP Zone is combined.

(e) No topographic modification is permitted within the 100-foot setback area specified by LC 16.237(7) below.

(f) The shoreward half of the setback area specified by LC 16.237(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.237(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.237(7) below.

**DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP)
RURAL COMPREHENSIVE PLAN**

16.242 Dredge Material Mitigation Site Combining Zone (/DMS-RCP).

(1) Purpose. The Dredge Material/Mitigation Site Combining Zone (/DMS-RCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Rural Comprehensive Plan. The purpose of the /DMS-RCP Zone is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS-RCP Zone may only be applied, where appropriate, in combination with the three Estuary Zones (/NE-RCP, /CE-RCP, or /DE-RCP), or with the Significant Natural Shorelands Combining Zone (/SN-RCP), Natural Resources Conservation Combining Zone (/NRC-RCP), Residential Development Shorelands Combining Zone (/RD-RCP) and Shorelands Mixed Development Combining Zone (/MD-RCP) and the underlying zones with which the Shorelands zones are combined.

(2) Permitted Uses and Buildings.

(a) Farm uses as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(b) Propagation and harvesting of forest products as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(c) Dredged material deposition; provided, however, such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.

(d) Activities in conjunction with a mitigation plan approved by the Division of State Lands; provided, however, such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan.

(3) Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to approval of the Planning Director as provided for in LC 14.100, based on the criteria below. The following criteria apply to review of a use in the /DMS-RCP Zone:

(a) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this zone; or

(b) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project.

(4) Stabilization of Dredged Materials. It shall be the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained.

(5) Responsibility to Acquire Mitigation/Restoration Sites. It shall not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation channel and development of the estuary. It shall also not be the responsibility of Lane County to acquire sites for restoration to the estuary. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96)*

**COMMERCIAL AIRPORT SAFETY COMBINING ZONE (/CAS-RCP)
RURAL COMPREHENSIVE PLAN**

16.245 Commercial Airport Safety Combining Zone (/CAS-RCP).

(1) Purpose. The Commercial Airport Safety Combining Zone (/CAS-RCP) is applied to those lands adjacent to and within the Mahlon Sweet Field Airport. The /CAS-RCP Zone is intended to carry out the following purposes:

(a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.

(b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.

(2) Applicability. The /CAS-RCP Zone is applied to those lands encompassed by the surfaces set forth and described in LC 16.245(4) below and diagramed in LC 16.245(6) below.

(3) Use Limitations. In the /CAS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /CAS RCP Zone is combined:

(a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /CAS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the height limitations of the various areas described in LC 16.245(4) below.

(b) No use may be made of land or water in such a manner as to create electrical interference with navigational signals or radio for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.

(4) Surfaces Described.

(a) Primary Surfaces.

(i) The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of prepared runway surfaces. The width of the Primary Surface for each runway is the same as the width of the inner portion of the Approach Surface for that runway.

(ii) For purpose of this section, the center-points at the ends of each runway Primary Surface shall be considered as having the following coordinates and elevations:

<u>Runway</u>	<u>Centerpoint Coordinates (NAVD 83)</u>		<u>Centerpoint Elevation (NAVD 88)</u>
	<u>Latitude</u>	<u>Longitude</u>	<u>Feet above sea level</u>
16R	44°08'07.610"	123°13'08.960"	360.1
34L	44°06'36.766"	123°13'07.953"	365.5
16L	44°07'58.724"	123°12'09.711"	363.4
34R	44°06'59.478"	123°12'08.832"	373.6

(iii) The elevation at any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline. For purposes of this

section, the runway centerline shall be considered as having a straightline grade between the two centerpoints for that runway as described in LC 16.245(4)(ii) above.

(b) Runway 16R-34L Approach Surface. This runway is a precision instrument runway aligned in a north-south direction and is designated as a primary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface at the ends of Runway 16R-34L and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being a continuation of the runway centerline. The Approach Surface for 16R and 34L extends outward and upward at a slope of 50 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot to an additional distance of 40,000 feet along the extended runway centerline.

(c) Runway 16L-34R. This runway is a precision instrument runway aligned in a north-south direction and will be designated as a secondary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface of the ends of Runway 16L-34R and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being the continuation of the runway centerline. The Approach Surface for 16L extends outward and upward at a slope of 20 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface, to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot for an additional 40,000 feet along the extended runway centerline. The Approach Surface for 34R extends outward and upward at a slope of 34 horizontal feet to one vertical foot, beginning at the end of and at the same elevation as the Primary Surface to a horizontal distance of 50,000 feet along with extended runway centerline.

(d) Transitional Surfaces. These surfaces are adjacent to the Primary Surfaces and the Approach Surfaces. The surfaces slope upward and outward seven horizontal feet to one vertical foot, beginning at the side of and at the same elevation as the Primary Surfaces and the Approach Surfaces, and extend to where they intercept the Horizontal Surface at a height of 150 feet above the airport elevation. Where the Runway 16R-34L and 16L-34R Approach Surfaces pass through the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation Approach Surface, and extending to where they intersect the Conical Surface. Where the Runway 16R-34L and 16L-34R Approach Surfaces extend beyond the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation as the Approach Surface, and extending to a horizontal distance of 5,000 feet measured horizontally from the edge of the Approach Surface and at right angles to the runway centerline.

(e) Horizontal Surface. The Horizontal Surface is described by swinging arcs of 10,000 feet radii from the center of each end of the Primary Surfaces of Runway 16R-34L and Runway 16L-34R, and connecting the arcs with tangent lines. The Horizontal Surface is a horizontal plane 150 feet above the elevation of the airport and for purposes of this section shall be considered as having an elevation of 515 feet above mean sea level. The Horizontal Surface does not include the Approach and Transitional Surfaces.

(f) Conical Surface. The Conical Surface begins at the outer periphery of the Horizontal Surface and slopes outward and upward 20 horizontal feet to one

vertical foot, starting at the elevation of the Horizontal Surface and extends outward a horizontal distance of 4,000 feet.

(5) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the City of Eugene to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the City of Eugene.

(6) Surfaces Diagramed. The surfaces described in LC 16.245(4) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87; Effective 6.17.87; 10-06, 1.5.07)*

producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(4) Uses Prohibited. The area lying beneath the Approach Surface beginning at the end of the Primary Surface and extending outward a horizontal distance of 1,000 feet shall be considered to be a clear zone. Within this clear zone, no structure or object, except for fences and navigational aids approved by the airport operator, shall be erected, placed, altered, allowed to grow or be maintained above the surface of the ground.

(5) Surface Described.

(a) Approach Surface. A surface longitudinally centered on the runway centerline, extending outward and upward from the ends of the Primary Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 5,000 feet and widening from the width of 250 feet to 1,250 feet at its outer edge.

(b) Conical Surface. A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 4,000 feet. This surface rises from 150 feet above the runway and extends to a height of 350 feet above the runway.

(c) Horizontal Surface. A horizontal plane 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines.

(d) Primary Surface. The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of the prepared runway surface and having a width of 250 feet. For purposes of this section, the Primary Surface shall be considered as having the same elevation as its respective runway as the same are specified in LC 16.246(2) above. The centerpoints at the ends of each Primary Surface shall be considered as having the following coordinates:

	<u>North Coordinate</u>	<u>East Coordinate</u>
Cottage Grove Airport	787358	1331306
	790828	1331606
Creswell Airport	833934	1339698
	836415	1339781
Oakridge Airport	766146	1472836
	767325	1469017
McKenzie Bridge Airport	920159	1582521
	920810	1585438
Florence Airport	868731	1050341
	869823	1049883

(e) Transitional Surfaces. These surfaces extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the Primary Surface and Approach Surface to the point of intersection with the Horizontal Surface. The Transitional Surface extends to a height of 150 feet above the runway.

(6) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the airport operator to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the airport operator.

(7) Special Requirements for Construction Permits. Within the area beneath the Approach Surface, no construction permit shall be issued for any building, mobile

**SITE REVIEW PROCEDURES
RURAL COMPREHENSIVE PLAN**

16.257 Site Review Procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) When the proposed use or improvement is a minor addition to an existing commercial or industrial use or improvement where the minor addition does not exceed 25 percent of the area of the existing use and will not be closer to a property line than the closest portion of the existing structures meeting legal setbacks required by the appropriate zone. For purposes of this section, the area of the existing use shall be

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

16.290 Residential Zone (RR).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Not more than one manufactured dwelling or park model recreation vehicle on a lot or parcel, in addition to an existing dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured dwelling or duplex, or a relative of the resident, subject to compliance with these requirements:

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

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

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

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

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

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

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

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

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

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

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

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion

of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

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

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

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

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

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

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

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

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

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

(v) The operation of sound producing tools, machinery and devices shall comply with LC 5.600, PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and

devices as part of the home occupation, other than the vehicles of the owner, shall not be "plainly audible," as defined by LC 5.605, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Fish and wildlife habitat management.

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

other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The structure shall not contain a kitchen.

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

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

(v) The structure shall not have an address.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Fish and wildlife habitat management.

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

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

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

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

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

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

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

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

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

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

for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

- (a) Retail trade of products, including: food, new general merchandise, second-hand general merchandise in an enclosed building; and building materials, hardware or farm equipment.
- (b) Retail trade of hay, grains or goods for animal consumption or care.
- (c) Retail trade of services, including: personal, finance, insurance, banking, real estate, professional, and the construction trades including but not limited to general contracting, carpentry, cabinetmaking, electrical, plumbing, and landscaping.
- (d) Restaurants.
- (e) Bars, nightclubs, taverns or brewpubs.
- (f) Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.
- (g) Medical or veterinarian clinic.
- (h) Service stations and auto repair garages.
- (i) Bus passenger terminals.
- (j) Boat charter and rental, including fishing equipment.
- (k) Outdoor tourist attractions featuring displays of educational or historical value.
- (l) Day camp and picnic areas.
- (n) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating and roller blading, riding stables, bowling, skiing, snowboarding and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.
- (n) Indoor or outdoor theaters.
- (o) Post Office facilities.
- (p) Equipment rental and leasing service.
- (q) Recreational vehicle or boat storage, sales, repair and subordinate boat building that comprises less building floor area than used for boat sales or rentals.
- (r) Marina.
- (s) Outdoor car or truck sales lots, indoor truck or auto repair, and not including the outdoor storage of inoperable vehicles.
- (t) A commercial kennel or a commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.
- (u) New motels or hotels with up to 35 units within an unincorporated rural community designated in the Rural Comprehensive Plan, or new motels or hotels with up to 100 units within an urban unincorporated community designated in the Rural Comprehensive Plan, that meet the following conditions:
 - (i) They are located at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5; and
 - (ii) They are served by a "community sewer system" that means, "A sewage disposal system with connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community."
- (v) A recreation vehicle park that may include individual electrical, water and sanitation disposal system hookups. A sanitation disposal system approved by DEQ or a centralized, pump-out vault may be provided for off-loading in compliance with ORS. The stay limit for a recreational vehicle shall not exceed 29 consecutive days or more than 90 days in any calendar year or consecutive six-month period.

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

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

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

(z) Overnight accommodations that shall:

(i) Have no more than 15 guest rooms in a single structure. Food preparation and service in a centralized kitchen may be provided for guests only.

(ii) Have only minor incidental and accessory retail sales;

(iii) Be occupied only temporarily for the purpose:

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

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

(iv) The Approval Authority may impose appropriate conditions.

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

(i) Be operated by a nonprofit organization or public agency;

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

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

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

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

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

(aa) Goods or services traded from the site;

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

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

and

(dd) Intensity of land use of the site.

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

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

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

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

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

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

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

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

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

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

(4) Criteria. New uses or development allowed by LC 16.291(3)(a) through (t), (v) through (w), (z), and (a-a) through (b-b) above, shall comply with the criteria in LC 16.291(4) below. Telecommunications facilities allowed by LC 16.291(3)(x) above shall comply with the requirements in LC 16.264.

(a) Floor Area and Lot or Parcel Coverage. If located in an area designated by the RCP as an unincorporated community, no one commercial building or combination of commercial buildings on a lot or parcel within an urban unincorporated community shall contain more than 8,000 square feet of floor area for the same commercial use; or, no one commercial building or combination of commercial buildings on a lot or parcel in any other type of unincorporated community shall contain more than 4,000 square feet of floor area for the same commercial use unless the conditions in LC 16.291(4)(a) below are met. If not located in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,500 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing at least 750 square feet of floor area used for other permitted commercial uses). A country store located outside an area designated by the RCP as an unincorporated community may contain a maximum of 3,750 square feet of floor area. An exception to the 8,000, 4,000 or 3,500 commercial building square feet floor area requirement in LC 16.291(4)(a) above may be allowed if it complies with these requirements:

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

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

(iii) The existing and proposed commercial uses shall:

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

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

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

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

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

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

(d) Fish and wildlife habitat management.

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

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

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

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

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

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

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

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, "in proximity to the rural resource" shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

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

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

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

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

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

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

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

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

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

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

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

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

(aa) Goods or services traded from the site.

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

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

(dd) Intensity of land use of the site.

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

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

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

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

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

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

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

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

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

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

(ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

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

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

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

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

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

(o) Any level of industrial uses sited on an abandoned or diminished mill site. The Director shall determine the boundary of the mill site that may include only those areas that were improved for the processing or manufacturing of wood products. The Board shall determine the boundary of an abandoned or diminished mill site that is rezoned for Rural Industrial Use pursuant to LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

(i) Is located on a parcel or lot outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial

Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

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

(s) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size or type, on a lot or parcel that was zoned for industrial use on January 1, 2004, subject to compliance with these requirements:

(i) The Director may authorize on-site sewer facilities to serve the industrial development authorized under LC 16.292(3)(s), including accessory uses subordinate to the industrial development.

(ii) The lot or parcel is located more than three miles outside the urban growth boundary of every city with a population of 20,000 individuals or more; or

(iii) The lot or parcel is located outside an urban growth boundary of every city with a population of fewer than 20,000 individuals.

(iv) The lot or parcel is located west of the summit of the Coast Range.

(v) When the Director considers action under LC 16.292(3)(s) for a lot or parcel within 10 miles of the urban growth boundary of a city, the Director shall give notice to the city at least 21 days prior to taking action.

(vi) If the City objects to the authorization of the proposed industrial development under LC 16.292(3)(s), the Director shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

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

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

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

Findings of Fact In Support of Ordinance No. 7-12

The Lane County Board of Commissioners Initiated Updates To Lane Code For Consistency and Clarity.

Finding: The proposed amendments to Lane Code were initiated by the Board to address changes in state laws and make appropriate corrections or clarifications.

Criteria

LC 12.005 Purpose.

(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

Finding

The proposed amendments do not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County. The proposed amendments update implementing regulations and follow the laws determined by State of Oregon to best promote the will of the people. Adoption of the proposed amendments will bring the implementing regulations into compliance with state law, will promote consistency at the local level with the applicable state laws, and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable state law.

LC 12.050 Method of Adoption and Amendment

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

Finding

The proposed amendments will be adopted by ordinance when enacted by the Board.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

- (a) an error in the plan; or***
- (b) changed circumstances affecting or pertaining to the plan; or***
- (c) a change in public policy; or***
- (d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.***

Finding

The proposed amendments implement changes to state law and, as such, meet this provision under (b), (c), and (d) above upon adoption by the Board. The proposed amendments also provide additional clarification and correct errors in the current implementing regulations.

(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.

The proposed amendments implement changes to state law, provide additional clarification, and correct errors to help implement the Lane County Rural Comprehensive Plan and Lane Code Chapters 13, 14, and 16. The proposed amendments will provide clarity and consistency with state law.

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

13.020

Lane Code

13.030

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86; 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04; 2-09, 1.8.10; 6-10; 9.17.10)*

13.020 Legal Lot Verification.

A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC 14.100 and shall occur when:

- (1) An application is submitted and reviewed pursuant to LC 14.050, excluding 14.050(3)(~~e~~)(d), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or
- (2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to LC 14.050, excluding 14.050(3)(~~e~~)(d). *(Revised by Ordinance No. 7-04; Effective 7.15.04)*

13.030 Validation of a Unit of Land.

(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.050 if the unit of land:

- (a) Is not a lawfully established unit of land; and
- (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).

(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

- (a) The dwelling or other building was lawfully established prior to January 1, 2007; and
- (b) The permit does not change or intensify the use of the dwelling or other building.

(4) An application to validate a unit of land under LC 13.030 is an application for a permit, as defined in ORS 215.402. An application under LC 13.030 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.

(5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under LC 13.030 if the owner of the unit of land records a partition plat within 90 days of validation.

(6) An application to validate a unit of land under LC 13.030 may not be approved if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a). *(Revised by Ordinance No. 2-09; Effective 1.8.10)*

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**LEGISLATIVE
FORMAT**

14.050

Lane Code

14.050

14.050 Application Requirements, Acceptance and Investigation.

(1) Contents. Applications subject to any of the review procedures of this chapter shall:

- (a) Be submitted by any person with a legal interest in the property.
- (b) Be completed on the form prescribed by the Department and submitted to the Department.
- (c) Address the appropriate criteria for review and approval of the application and shall contain the necessary supporting information.
- (d) Be accompanied by the filing fee to help defray the costs of the application.

(2) Combinable Applications. Applications for the same property may be combined and concurrently reviewed as a master application, subject to the following permissible combination schemes and required review procedures:

(a) Applications subject to the review procedures of LC 14.100 below may be combined with other applications subject to the review procedures of LC 14.100 below, and the required review shall be by the Director according to LC 14.100 below.

(b) Applications subject to Hearings Official approval, according to the review procedures of LC 14.300 below, may be combined with other applications subject to Hearings Official approval according to LC 14.300 below and the required review procedure shall be by the Hearings Official according to LC 14.300 below.

(c) Applications subject to the review procedures of LC 14.100 below may be combined with applications subject to Hearings Official approval according LC 14.300 below, and the required review procedure shall be by the Hearings Official according to LC 14.300 below.

(d) A zone change application may be combined with an application for an amendment to the Comprehensive Plan, and the combined application shall be concurrently reviewed by the Planning Commissions and Board according to the review procedures of LC Chapters 12 and 14 for a plan amendment.

(3) Acceptance. Applications subject to any of the review criteria of this chapter:

(a) May be received by the Director at any time and shall not be considered as accepted solely because of having been received;

(b) Shall be, within 30 days of receipt, reviewed by the Director to determine if they meet the requirements of LC 14.050(1) and (2) above and are complete. Applications shall be determined to be complete and shall be accepted by the Director when they include the required information, forms and fees.

(i) If the application for a permit, limited land use decision or zone change is incomplete, the Director shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

(ii) The application shall be deemed complete upon receipt by the Director of :

- (aa) All of the missing information;
- (bb) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (cc) Written notice from the applicant that none of the missing information will be provided.

(iii) If the application was complete when first submitted or the applicant submits additional information, as described in LC 14.050(3)(b)(ii) above,

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**LEGISLATIVE
FORMAT**

14.050

Lane Code

14.050

within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(iv) The Director shall mail written notice to the applicant when the application is deemed complete or accepted.

(c) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under LC 14.050(3)(b)(i) and has not submitted:

(i) All of the missing information;

(ii) Some of the missing information and written notice that no other information will be provided; or

(iii) Written notice that none of the missing information will be provided.

(d) Within 10 days of acceptance of an application, the Director shall mail information explaining the proposed development to the persons identified in LC 14.100(4) and, if applicable, notice required by LC 14.160. Persons receiving notice pursuant to LC 14.160 shall have 15 days following the date of postmark of the notice to file written objections as required by LC 14.160(1)(c). All other persons shall have 10 days from the date information is mailed to provide the Director with any comments or concerns regarding the proposed development. After the end of the applicable comment period, the Director shall complete the investigation report and mail notice of a decision or elect to schedule the application for a Hearings Official evidentiary hearing.

(4) Investigation and Reports. The Director shall make, or cause to be made, an investigation to provide necessary information to ensure that the action on each application subject to any review procedure of this chapter is consistent with the criteria established by this chapter and other chapters of Lane Code requiring the review. The report of such investigation shall be included within the application file and, in the event of a hearing, presented to the Approval Authority before or during the hearing.

(5) Timelines for Final Action. For development sites located within an urban growth boundary, except as provided in LC 14.050(5)(a) through (d) below, the Approval Authority shall take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete. For development sites located outside an urban growth boundary, except as provided in LC 14.050(5)(a) through (d) below, the Approval Authority shall take final action on an application for a permit, limited land use decision or zone change within 150 days after the application is deemed complete. Except when an applicant requests an extension under LC 14.050(5)(a) below, if Lane County does not take final action on such an application within the required 120 or 150 days after the application is deemed completed, Lane County shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional Lane County land use fees or deposits for the same application incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application. Exceptions to the requirement to take final action on an application within 120 or 150 days are:

(a) When an applicant waives or requests an extension of the required 120-day or 150-day period for final action. The period set in LC 14.050(5) above may be

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**LEGISLATIVE
FORMAT**

14.050

Lane Code

14.050

extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(b) When an application is for an amendment **a change** to an acknowledged comprehensive plan or land use regulation ~~or adoption of a new land use regulation~~ that was ~~forwarded~~ submitted to the Director of the Department of Land Conservation and Development under ORS 197.610(1).

(c) When a decision is not wholly within the authority and control of Lane County.

(d) When parties have agreed to mediation as described in ORS 197.318(2)(b). *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-89, 10.4.89; 4-96; 11.29.96; 3-98, 7.8.98; 3-09, 12.4.09; 6-10, 09.17.10)*

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

16.090 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, shall be considered as providing ordinary accepted meanings.

Acceptance. Received by and considered by the Director as sufficiently complete to begin processing according to the application or appeal review procedures of this chapter.

Accepted Farming Practice. A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Accessory. Incidental, appropriate and subordinate to the main use of a tract or structure.

Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

Agriculture. Synonymous with definition of "farm use."

Agricultural Building (1) Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.

(a) "Agricultural building" means a structure located on a farm and used in the operation of the farm for:

- (i) Storage, maintenance or repair of farm machinery and equipment;
- (ii) The raising, harvesting and selling of crops;
- (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- (iv) Dairying and the sale of dairy products;
- (v) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(b) "Agricultural building" does not include:

- (i) A dwelling;
- (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
- (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
- (iv) A structure used by the public; or
- (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

(c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:

- (i) Stabling or training equines; or
- (ii) Riding lessons and training clinics;

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

- (d) "Equine facility" does not include:
- (i) A dwelling;
 - (ii) A structure in which more than 10 persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or
 - (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

Alter or Alteration. Any change, addition or modification in use construction or occupancy. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.

Amendment, Minor. A change to a preliminary plan, plat or map which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

Amendment, Major. A change to preliminary plan, plat or map which is not a minor amendment.

Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Appearance. Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name or address on a petition.

Approval Authority. A person, or a group of persons, given authority by Lane Code to review and/or make decisions upon certain applications according to the review procedures of Lane Code Chapter 14.

Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.

Aquaculture. The raising, feeding, planting and harvesting of fish, shell fish or waterborne plants and associated facilities necessary for the use.

Area. The surface included within any set of lines which may be further defined in square feet or acres, exclusive of County or local access public street.

Area of Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year.

At left margin indicates changes
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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.

Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.

Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title. Bed and Breakfast shall be considered a Home Occupation where not specifically listed as a permitted or conditionally permitted use.

Biofuel. The liquid, gaseous or solid fuels derived from biomass.

Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:

(1) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(2) Wood material from hardwood timber described in ORS 321.267(3);

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS Chapter 459 or 459A;

(6) Yard or wood debris collected as provided under ORS chapter 459 or 459A;

(7) Wastewater solids; or

(8) Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote pentachlorophenol, inorganic arsenic or other inorganic chemical compounds or waste, other than matter described above.

Board. Board of County Commissioners of Lane County.

Boarding of Horses. The boarding of horses for profit shall include the following:

(1) The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and

(2) Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

(a) The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.

(b) The incidental stabling of not more than four horses.

(c) The boarding of horses for friends or guests where no charge is made.

(d) Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Boarding House. A dwelling or part thereof, in which lodging is provided by the owner which equals or exceeds the limitations of a bed and breakfast accommodation.

Bridge Crossings. The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

Bridge Crossing Support Structures. Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

Building. The terms "building" and "structure" shall be synonymous, and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition shall specifically include but not be limited to a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest shall not be considered buildings.

Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

Camp. An area designed for organizational recreation which may include facilities such as; swimming pools, meeting halls and indoor shelters for recreation.

Campground. An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.

Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

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

Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapter 16, and which is consistent with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies.

Coastal Lakes. Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

Coastal Recreation. Occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

swimming, scuba diving, boating, fishing, hunting, and use of off-highway vehicles (OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.

Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.

County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.

Cultured Christmas Trees. Means trees:

- (1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (2) Of a marketable species;
- (3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

(6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

(7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(x)(u) and ~~215.283(1)(u)~~ and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c) and ~~ORS 215.283(2)(a)~~;

(8) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267(3) or 321.824(3); and

~~(11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and~~

(121) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:

(a) Only the crops of the landowner are being processed;

(b) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

(c) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Day. A calendar day, computed consistent with ORS 174.120.

Day Care Nurseries. Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Deflation Plain. The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

Department. The Lane County Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

(1) The limits of dredging precision which causes "overdepth"; and

(2) The practice, where approved by the Corps of Engineers, of "advanced maintenance" overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

Destroy. To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.

Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.

Dune. A hill or ridge of sand built up by wind along sandy coasts.

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.

Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

Dune, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.

Dwelling. A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, mobile homes and camping vehicles. Where the term, "dwelling," is used in Lane Code Chapter 16, it shall mean a single-family dwelling unless otherwise noted.

Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other and having housekeeping facilities for each family.

Enhancement. An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.

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**LEGISLATIVE
FORMAT**

16.090

Lane Code

16.090

Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.

Estuary/Estuarine. A body of water semienclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.

Exploration. Superficial survey measures which do not include active seismic surveys or prospect well drilling.

Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Family. An individual or two or more persons related by blood or marriage or group of not more than five persons (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.

Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide either full-time or part-time supervision and care for no more than 12 children including the children of the resident-operator(s).

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

(2) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;

(3) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);

(5) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or

(6) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition.

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

Fill. The placement by humans of sand, gravel, earth, sediment or other material to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (nonfloating) and dredge material can also be considered fill if they: (a) involve the human placement of materials; and (b) create new uplands or raise the elevation of land.

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters from any source.

Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.

Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

Floor, Habitable. A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

Foredune, Active. An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.

Foredune, Conditionally Stable. An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

Foredune, Older. A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

Forest Operation. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

Forest Uses. Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise and visual separation of conflicting uses; (3)

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.

Garage, Public Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

General Merchandise. Items for human use, including: books and stationary, newspapers and magazines, clothing, furniture, drugs, curios and antiques, plants and flowers, household goods and furnishings, musical instruments and supplies, seeds and garden supplies, sporting goods, jewelry, art objects and supplies, pottery, handicrafts, photographic supplies, optical goods.

Grazing. The use of land for the pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals alone or in conjunction with agricultural pursuits.

Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.

Group Care Home. Any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

Guest House, Servant's Quarters. An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.

Hearings Official. A person who has been appointed by the Board of County Commissioners to serve at its pleasure and at a salary fixed by it.

Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.

Historic Structure or Site. Property which had been identified by Lane County in its adopted Rural Comprehensive Plan findings as:

- (1) Historically significant.
- (2) In need of protection in order to preserve its historical significance, and for which the means of protection shall be the application of the Historic Structures or Sites Combining (H-RCP) Zone.

The above sites are also identified separately in LM 11.300.

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

Horticultural Specialties. A crop distinguishable from typical commercial crops mentioned in the farm groupings of the EFU zone which are conducive to intensive management techniques.

Hydraulic. Related to the movement or pressure of water.

Hydraulic hazards. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

Hydraulic processes. Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes and rivers).

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

Indigenous Vegetation. Plant species not introduced directly or indirectly into a particular area from the outside. Originating or developing or produced naturally in a particular area.

Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

Interdune Area. Low-lying areas between higher sand landforms and which are generally under water during part of the year.

Interior Lot. A lot, other than a corner lot, having frontage on only one street.

Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MDMT)(MHHT).

Jetty. A structure extending seaward from the mouth of a river designed to stabilize the river mouth by preventing the build up of material at the river's mouth, and to direct or confine the stream or tidal flow.

Kennel; Commercial. A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Commercial Breeding. A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Noncommercial. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

Lawfully Established Unit of Land.

(1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or

(2) Another unit of land;

(a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

(b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

(c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.

Loading Space. An off street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lot. A unit of land that is created by a subdivision of land.

Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.

Lot Line; Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line; Side. Any lot line which is not a front or rear line.

Lot of Record. A legal lot which meets all of the lot of record standards specified in ORS Chapter 215 (Sections 9 to 13, Chapter 884, Oregon Laws) and is entitled to a dwelling or mobile home irrespective of land use regulations.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Low Intensity. An activity or use conducted at a level that does not require developed facilities and can be accommodated without change to an area or resource.

Main Channel. That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.

Maintain. Support, keep, and continue in an existing state or condition without decline.

Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code.

Map, Partition. A final diagram and other documentation relating to a major or minor partition.

Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

Mining. All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.

Minor Navigational Improvements. Alterations necessary to provide water access to existing or permitted uses in conservation management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

Mitigation. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); the creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Mobile Home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed before January 1, 1962; or a mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction; or a manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities is intended for human occupancy and is being used for residential purposes and was constructed in accordance with federal safety standards regulations in effect at the time of construction.

Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership,

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**LEGISLATIVE
FORMAT**

16.090

Lane Code

16.090

the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

Natural Areas. Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural historical, scientific, or paleontological features, or for the appreciation of natural features.

Natural Hazards. Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that as defined by "Residential Home".

Ocean Flooding. The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

100 Year Flood. See "Base Flood".

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

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

Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

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**LEGISLATIVE
FORMAT**

16.090

Lane Code

16.090

Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

Parcel.

- (1) Includes a unit of land created:
 - (a) by partitioning land as defined in LC 16.090,
 - (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
 - (c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
- (2) It does not include a unit of land created solely to establish a separate tax account.

Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

Parking Area, Public. Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.

Parking Space. A permanently maintained space with proper access for one standard sized automobile.

Partition. Either an act of partitioning land or an area or tract of land partitioned.

Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:

- (1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;
- (3) Dividing land as a result of the recording of a subdivision or condominium plat;
- (4) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Party. With respect to actions pursuant to LC 14.100 and LC 14.200, the following persons or entities are defined as parties:

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

(1) The applicant and all owners or contract purchasers of record, as shown in the files of the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.

(2) Any County official.

(3) Any person, or his or her representative, and entity who is specially, personally or adversely affected by the subject matter, as determined by the Approval Authority.

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board of Commissioners and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

Personal Services. Laundering, dry cleaning and dyeing; rug cleaning and repair; photographic services; beauty and barber shops; apparel repair and alterations; shoe repair and maintenance; etc.

Planning Commission. The Planning Commission of Lane County, Oregon.

Plat. A final diagram and other documents relating to a subdivision.

Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Primary Processing Facility. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this definition, means timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.

Professional Services. Medical and health services, legal services and other professional services, including those related to: engineering, architecture, education, scientific research, accounting, planning, real estate, etc.

Property Line. "Property line" means the division line between two units of land.

Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

Received. Acquired by or taken into possession by the Director.

Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

(1) Low-Intensity Recreation. Activities that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.

(2) High-Intensity Recreation. Uses specifically built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, concentrated OHV use, golf courses, public beaches, and marinas are examples of high-intensity recreation.

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

Recreational Vehicle. A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

Recreational Vehicle Park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

Removal. The act of removing or fact of being removed by a person: i.e., to cut the main stem or trunk of vegetation or to spray the foliage of vegetation which results in the significant loss of growth or health or the death of vegetation; to mechanically or manually disrupt or dislodge the root structure of vegetation resulting in significant loss of growth or health or causing the death of vegetation.

Replacement in Kind. The replacement of a structure of the same size as the original and at the same location on the property as the original.

Residential Care Facility. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Residential Home. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

Restoration, Active. Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

Restoration, Estuarine. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

Restoration, Passive. The use of natural processes, sequences and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Restoration, Shorelands. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD); shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

Roadside Stand. A use providing for the retail sale of any agricultural produce where more than one-half of the gross receipts result from the sale of produce grown on the unit of land where the roadside stand is located.

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;
- (2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
- (3) In an unincorporated community.

School. A place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of Education is provided.

Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

(1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

(2) Sewerage Facility, Individual. A privately owned sewage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

(3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided for or is available for public use.

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

Shelter Home. A certified foster home or a licensed facility contracted with the state Children's Services Division for the purpose of safekeeping of children taken into temporary custody pending investigation and disposition, where the circumstances are such that the children need not be kept in secure custody.

Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.

Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot.

Solid Waste Management. A planned program providing for the collection, storage and disposal of solid waste including, where appropriate, recycling and recovery.

Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State Plane Coordinate System. The system of plane coordinates which has been established by the U.S. Coast & Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Oregon.

Structure. Synonymous with the definition of building.

Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

Structure or Facility that Provides Water-Dependent Access. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time THAT is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) Alterations necessary for federally authorized projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

Tidal Marsh. Wetlands from lower high water(LHW) inland to the line of non-aquatic vegetation.

Tract. A lot or parcel as defined in LC 16.090.

Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

Urbanizable. Those lands within an urban growth boundary and which are identified and (a) determined to be necessary and suitable for future urban use areas, and (b) can be served by urban services and facilities, and (c) are needed for the expansion of an urban area.

Use. The purpose for which land, submerged or submersible lands, the water surface or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Veterinary Clinic. Synonymous with the definition of "animal hospital".

Water Dependent Use. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

(1) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); the following definitions apply:

- (a) "Access" means physical contact with or use of the water;
- (b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

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LEGISLATIVE
FORMAT

16.090

Lane Code

16.090

(c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

(d) "Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

(e) "Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

(f) "Water-borne transportation" means use of water access:

(i) Which are themselves transportation (e.g., navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.

(2) Typical examples of "water dependent uses" include the following:

(a) Aquaculture.

(b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.

(c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

(e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.

(f) Recreational. Recreational marinas, boat ramps and support.

Water Oriented Use. A use whose attraction to the public is enhanced by a view of or access to coastal waters.

Water Related Use. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result in public loss of quality in the goods or services offered. Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoil or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines.

Winery. ~~A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres, or owns or has a long-term contract for all grapes used from~~

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LEGISLATIVE
FORMAT

16.095

Lane Code

16.100

~~a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.~~

~~— A winery as defined here shall allow only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.~~

Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided herein.

Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

Yard, Rear. An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10)*

16.095 Compliance With LC Chapter 15, Roads.

Development subject to the provisions of this chapter shall comply with LC Chapter 15, Roads. *(Revised by Ordinance No. 10-04, Effective 6.4.04)*

**DEVELOPMENTAL APPROVAL PROCEDURES
RURAL COMPREHENSIVE PLAN**

16.100 Development. Approval Procedures Relationship of Lane Code Chapter 14 into Lane Code Chapter 16.

Lane Code Chapter 14 is the procedure for submittal, acceptance, investigation and review of applications for development of lands under the jurisdiction of the Lane County Rural Comprehensive Plan with these additions:

(1) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 above instead of as specified in LC 14.015.

(2) Ex Parte Contacts. A communication between County staff and the Planning Commission or Board shall not be considered an ex parte contact for the purposes of LC 14.200(5)(a). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 5-02, 8.28.02)*

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

16.211 Impacted Forest Lands Zone (F-2, RCP).

(1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through ~~755~~**215,799**.

(2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures ~~which~~ that are auxiliary to and used during the term of a particular forest operation. **"Auxiliary"** means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(c) Physical alteration 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. **"Auxiliary"** means a use or alteration of a structure or land ~~which~~ that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

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

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

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16.211

**LEGISLATIVE
FORMAT**

Lane Code

16.211

(h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).

(i) 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.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(e-e) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, 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;

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

(iv) 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.

(v) 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.

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

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

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

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(3)(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner ~~which~~ that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

- (a) Permanent logging equipment repair and storage.
- (b) Log scaling and weigh stations.
- (c) Private parks and campgrounds that comply with these requirements:

(i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, ~~Division~~ **division** 4;

(ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

(iii) A campground shall 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;

(iv) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle; A 'yurt' means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt;

(v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites ~~except that electrical service may be provided to yurts allowed for by LC 16.211(3)(c)(iv) above;~~

(vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and

(vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6-six month period.

(d) Public parks including those uses specified under OAR 660-034-0035.

(e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.

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LEGISLATIVE
FORMAT

16.211

Lane Code

16.211

- (f) Fire stations for rural fire protection.
- (g) ~~Commercial u~~Utility facilities for the purpose of generating power that do not preclude more than ~~ten~~ 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, ~~Division~~ division 4.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.
- (l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.
- (n) Home occupations that comply with these requirements:
 - (i) Shall be operated by a resident of the property on which the business is located;
 - (ii) Shall employ on the site no more than five full-time or part-time persons;
 - (iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;
 - (iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;
 - (v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;
 - (vi) Shall comply with sanitation and building code requirements;
 - (vii) Shall not be used as a justification for a zone change;
 - (viii) Shall comply with any additional conditions of approval established by the Approval Authority; and
 - (ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

(o) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"

(iii) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured dwelling or park model recreation vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements;

(vi) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vii) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(iii) Improvement of public roads and highway-related public 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;

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).

(x) Replacement of an intersection with an interchange, subject to LC 16.211(13).

(xi) Continuous median turn lanes subject to LC 16.211(13).

(xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

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. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these 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;

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Accommodations are located within ~~1/4~~**one-quarter** mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as ~~defined described~~ by ORS 526.215 or where accessory to forest operations.

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

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment ~~which that~~ provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

(w) Exploration for mineral and aggregate resources as defined in ORS ~~Chapter chapter~~ 517.

(x) Uninhabitable structures accessory to fish and wildlife enhancement.

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both 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 and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS ~~Chapter~~ 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS ~~Chapter~~ 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

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16.211

LEGISLATIVE
FORMAT

Lane Code

16.211

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these 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;
- (iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
- (iv) Shall not significantly conflict with the existing uses on adjacent and nearby lands.

(e-e) Any outdoor mass gathering, and any part of which is held in open spaces, of more than 3,000 persons ~~which that~~ continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

- (i) The application has 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.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons ~~twenty-one (21)~~ years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. ~~Changes to or expansions of the provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.~~

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

- (i) The property owner provides:
 - (aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or
 - (bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property.
- (ii) The dwelling or manufactured dwelling has:
 - (aa) intact exterior walls and roof structure;
 - (bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) interior wiring for interior lights; and
 - (dd) a heating system.

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16.211

**LEGISLATIVE
FORMAT**

Lane Code

16.211

(iii) An alteration or replacement of a dwelling or manufactured dwelling allowed by LC 16.211(4)(a) above shall be located on the same site as the existing dwelling or manufactured dwelling. For the purpose of LC 16.211(4)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(v) Land use approval of a permit described in LC 16.211(4)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(b) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling or manufactured dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(5) Template Dwelling. One single-family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

(a) The tract upon which the dwelling or manufactured dwelling will be located has no other dwellings or manufactured dwellings on it. As used in LC 16.211(5), "tract" means one or more contiguous lots or parcels in the same ownership and contiguous means adjacent or touching. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) The lot or parcel upon which the dwelling or manufactured dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling or manufactured dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing 0-zero to 49 cubic feet per acre per year of wood fiber; and

(aa) 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 measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or permanent manufactured dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or permanent manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

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16.211

**LEGISLATIVE
FORMAT**

Lane Code

16.211

(aa) 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 measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings or permanent manufactured dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or permanent manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings or permanent manufactured dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or permanent manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent

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LEGISLATIVE
FORMAT

16.211

Lane Code

16.211

possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

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

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel on which the dwelling or manufactured dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(67), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

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

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

(iii) Shall, together with a map or other record depicting any tract ~~which~~ that does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property ~~which~~ that is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(6) Lot of Record Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for

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LEGISLATIVE
FORMAT

16.211

Lane Code

16.211

appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes 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.

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

(c) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(d) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(e) The tract on which the dwelling will be sited does not include a dwelling.

(f) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(g) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that **provides or will provide access to the subject tract. The road shall be is-maintained** and either paved or surfaced with rock and ~~that meet~~**shall meet** the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be 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.

(h) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.

(i) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

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

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify

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LEGISLATIVE
FORMAT

16.211

Lane Code

16.211

that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(j) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC 14.700(2).

(k) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(7) Large Tract Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

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

(b) Is sited on a tract that does not contain a dwelling or manufactured dwelling.

(c) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(d) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel where the dwelling or manufactured dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(67)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

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

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

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.

(e) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(e)(i) through (iv) below:

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

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

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(f) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h) and (j), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured 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 away from any ravine, ridge or slope greater than 40 percent;

(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above 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) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary

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FORMAT**

16.211

Lane Code

16.211

high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all property lines other than those described in LC 16.211(8)(a)(v)(aa) above; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) 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. 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 shall 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 shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope		
% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that

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FORMAT**

16.211

Lane Code

16.211

fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) **Structural Fire Protection.** The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) **Chimneys and Roofs.** Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall 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 shall 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(8)(d) 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; or

(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 shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. 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 fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting 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.

(i) Road and Driveway Surfaces. Roads shall 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 shall have: constructed widths

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

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 shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not more than 500 feet. Turnarounds shall 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) shall 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 shall be constructed to the standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall 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 shall 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 shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall 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.

(iii) Bridges and Culverts. Bridges and culverts shall 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 a engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not 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 fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall 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.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) 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 fire fighting equipment from its point of origination to its point of destination.

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16.211

**LEGISLATIVE
FORMAT**

Lane Code

16.211

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

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

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

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

(10) Area. The minimum area requirement for the division of land is 80 acres subject to compliance with the requirements of LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans except as follows:

(a) A parcel containing less than 80 acres may be allowed to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel shall not be eligible for siting a new dwelling;

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

(iv) Shall not result in a parcel of less than 35 acres, except:

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

(bb) Where the purpose of the land division is to allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) If associated with the creation of a parcel where a dwelling or manufactured dwelling is involved, the parcel containing the dwelling or manufactured dwelling shall contain at least 80 acres;

(vi) Shall not, as the result of the land division, be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.211(10)(a) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(viii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(b) New land divisions less than the 80 acre parcel size required by LC 16.211(10) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(c) A division of a lot or parcel for an existing dwelling or manufactured dwelling subject to compliance with these requirements:

(i) The parcel established for the existing dwelling or manufactured dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(ii) The dwelling or manufactured dwelling lawfully existed prior to June 1, 1995;

(iii) The remaining parcel not containing the dwelling or manufactured dwelling shall:

(aa) contain at least 80 acres; or

(bb) be consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above shall provide evidence that a restriction on the remaining parcel, not containing the dwelling or manufactured dwelling, has been recorded with Lane County Deeds and Records. The restriction shall allow no dwellings or manufactured dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.211(10)(c) above shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and

(vii) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.

(d) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) A lot or parcel may not be divided under Lane Code 16.211(10)(d) if an existing dwelling on the lot or parcel was approved under a

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LEGISLATIVE
FORMAT

16.211

Lane Code

16.211

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;

(vi) A landowner allowed a division under LC 16.211(10)(d) shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farm or forest practices on nearby lands devoted to farm or forest use;

(vii) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the ~~property~~ lot or parcel have been changed in such a manner that the lot or parcel is no longer subject to statewide planning goals protecting forest land 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 or mixed farm and forest use; and

(viii) The Planning Director shall maintain a record of lots and parcels that do not qualify for ~~the siting of a new dwelling or manufactured dwelling division~~ under restrictions imposed by LC 16.211(10)(d)(vii) above. The record shall be readily available to the public.

(e) 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 LC 16.211(10)(e)(i)-(iv), below:

(i) 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:

(aa) 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; or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting of a dwelling as may be authorized under LC 16.211(5)-(7), based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall 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:

(aa) 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

(bb) 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.

(iii) If a proposed division of land under LC 16.211(10)(e) 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.

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16.211

**LEGISLATIVE
FORMAT**

Lane Code

16.211

(iv) The Planning Director shall maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.211(10)(e)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(11) Youth Camps. The purpose of LC 16.211(11) below 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. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons ~~twenty-one~~ (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. ~~The provisions of LC 16.211(11) below do not apply to~~ Changes to or expansions of youth camps established prior to June 14, 2000.—, shall be subject to the provisions of ORS 215.120. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority 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 LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over ~~twenty-one~~ 21 years of age, not including staff, shall not exceed 10% percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and **OAR 660-006-0025(4)(e)** ~~(e) above~~ shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) 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 shall be 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. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) 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 shall 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 shall be 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:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) 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 Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) 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, horse back 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 shall not be 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;

(ii) Primary cooking and eating facilities shall 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 shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) 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;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s)

in which camp participants can gather in the event of a fire.

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp; ~~and~~

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles; ~~and~~

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall 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 the ~~Oregon Department of Forestry~~ ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority 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.

(j) The Approval Authority shall require 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.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

(a) 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;

(b) 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

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**LEGISLATIVE
FORMAT**

16.211

Lane Code

16.211

(c) 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. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 7-10, 11.25.10)*

**EXCLUSIVE FARM USE ZONE (E-RCP)
RURAL COMPREHENSIVE PLAN**

16.212 Exclusive Farm Use Zone (E-RCP).

(1) Purpose. The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

(2) Definitions. Except as otherwise provided in LC 16.212(2) below, the definitions in LC 16.090 shall be used for LC 16.212.

(a) Contiguous. "Contiguous" means connected in such a manner as to form a single block of land.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. "Reconfigured" means any change in the boundary of the lot, parcel or tract.

(c) Dwelling. "Dwelling" means a "Dwelling, Single-Family" as defined by LC 16.090 and may include a manufactured dwelling. "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

(d) Farm Unit. "Farm Unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in LC 16.090.

(e) High Value Farm Land. "High value farmland" means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) and (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and

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16.212

**LEGISLATIVE
FORMAT**

Lane Code

16.212

Kinton, Helvetia, Hillsboro, Hullt, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(iv) In addition to that land described in LC 16.212(2)(e)(i), (ii) and (iv) above, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, ~~Brennar~~ **Brenner** and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(v) In addition to that land described in LC 16.212(2)(e)(i) through (ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification ~~HeIIIe~~ **Klooqueth**, specifically, ~~Klooqueth~~ **Klooqueth** Silty Clay Loam and Winchuck Silt Loam; and

(cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(vi) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of "high value farmland."

(f) Irrigated. "Irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is 'irrigated' if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

(g) Tract. "Tract" means one or more contiguous lots or parcels ~~in~~ under the same ownership.

(3) Permitted Uses. In the E-RCP Zone, the following uses and activities are allowed without notice and the opportunity for appeal subject to compliance with the general provisions and exceptions set forth by this chapter. A determination by the

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

director for whether or not a use fits within the classification of uses listed in LC 16.212(3) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.212(3) below.

- (a) Farm Use (See the definition of "farm use" in LC 16.090).
- (b) Propagation or harvesting of a forest product.
- (c) Other buildings customarily provided in conjunction with farm use.
- (d) Operations for the exploration for and production of geothermal

resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(e) Operations for the exploration for minerals as defined by ORS 517.750.

- (f) Creation of, restoration of, or enhancement of wetlands.

~~—~~(g) A winery that:

(i) Is a facility producing wine with a maximum annual production of less than 50,000 gallons and that:

- (aa) Owns an on-site vineyard of at least 15 acres;
- (bb) Owns a contiguous vineyard of at least 15 acres;
- (cc) Has a long-term contract for the purchase of all grapes

from at least 15 acres of a vineyard contiguous to the winery; or

- (dd) Obtains grapes from any combination of the LC

16.212(3)(g)(i)(aa) through (cc) above;

(ee) Complies with LC 16.212(3)(g)(v) and (vii) through (xiii) below; or

(ii) Is a facility producing wine with a maximum annual production of at least 50,000 and ~~gallons and no more than 100,000 gallons and that:~~

- (aa) Owns an on-site vineyard of at least 40 acres;
- (bb) Owns a contiguous vineyard of at least 40 acres;
- (cc) Has a long-term contract for the purchase of all grapes

from at least 40 acres of a vineyard contiguous to the winery; or

- (dd) Obtains grapes from any combination of the requirements in LC 16.212(3)(g)(ii)(aa) through (cc) and (ii) above;

- (ee) Complies with LC 16.212(3)(g)(v) and (vii) through

(xiii) below; or

(iii) Is a facility producing wine that complies with the following:

(aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;

(bb) Owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(3)(g)(iii)(aa) above;

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

(cc) Has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under LC 16.212(3)(g)(iii) above; and

(dd) LC 16.212(3)(g)(vi) through (xiii) below.

(iv) Prior to the issuance of a permit to establish a winery under LC 16.212(3)(g) above, the applicant shall show that vineyards described in LC 16.212(3)(g)(i), (ii) or (iii) above have been planted or that the contract has been executed, as applicable.-

(iiv) A winery described ~~above~~ in LC 16.212(3)(g)(i) or (ii) above ~~shall only allow the sale of~~ may:

(aa) Market and sell wine produced in conjunction with the winery, including the following activities:

(A) Wine tours;

(B) Wine tastings in a tasting room or other location at the winery;

(C) Wine clubs; and

(D) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(bb) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010; and

(cc) Provide services including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year.

(dd) The gross income of the winery from the sale of incidental items pursuant to LC 16.212(3)(g)(v)(bb) above and services provided pursuant to LC 16.212(3)(g)(v)(cc) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(ee) Beginning January 1, 2013, at the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(3)(g)(v)(dd) above for the previous tax year; (cc) Notwithstanding LC 16.212(3)(g)(v)(aa) above, a setback of less than 100 feet may be established provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.

(vi) A winery described in LC 16.212(3)(g)(iii) above may:

(aa) Market and sell wine produced in conjunction with the winery, including the following activities:

(A) Wine tours;

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

(B) Wine tastings in a tasting room or other location at the winery;

(C) Wine clubs; and

(D) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(bb) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010, wine not produced in conjunction with the winery and gifts; and

(cc) Provide services, including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year.

(dd) The gross income of the winery from the sale of incidental items pursuant to LC 16.212(3)(g)(vi)(bb) above and services provided pursuant to LC 16.212(3)(g)(vi)(cc) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(ee) Beginning January 1, 2013, at the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(3)(g)(vi)(dd) above for the previous tax year.

(ff) Sell or deliver items or provide services not described in LC 16.212(3)(g)(vi)(bb) or LC 16.212(3)(g)(vi)(cc) or LC 16.212(3)(g)(vi)(dd) above under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) below.

(gg) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery shall be limited to operating a restaurant that is open to the public for no more than 25 days in a calendar year. A winery described in LC 16.212(3)(g)(iii) above may operate a restaurant that is open to the public for more than 25 days in a calendar year and may provide for private events on more than 25 days in a calendar year under LC 16.212(4)(n-n) below.

(hh) A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(3)(g)(iii) above or LC 16.212(4)(n-n) below.

(vii) A winery operating under LC 16.212(3)(g)(i), (ii) or (iii) above shall demonstrate compliance with the following standards:

(aa) The winery shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places shall be setback at least 100 feet from all property lines; and

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

(cc) The winery shall provide for direct road access and internal circulation.

(viii) A winery operating under LC 16.212(3)(g)(i), (ii) or (iii) above shall comply with:

(aa) The requirements of LC 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;

(bb) Regulations for the public health and safety; and

(cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(ix) The Approval Authority may issue a permit for a winery operating under LC 16.212(3)(g) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(3)(g) in similar circumstances before August 2, 2011.

(x) As used in LC 16.212(3)(g) above, "private events" includes, but is not limited to, facility rentals and celebratory gatherings.

(xi) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that exists on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(3)(g)(v)(dd) or LC 16.212(3)(g)(vi)(dd) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(xii) A use or structure in an area zoned for exclusive farm use that exists on June 28, 2011 may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use or structure is located on the same tract as a winery established under LC 16.212(3)(g) that produced more than 250,000 gallons of wine in calendar year 2010.

(aa) LC 16.212(3)(g)(xii) does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(xiii) A winery established under LC 16.212(3)(g) that produced more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a permit under LC 16.212(4)(c). However, the winery must comply with all provisions of LC 16.212(3)(g)(i) or (ii) except the annual production requirements. (aa) Wines produced in conjunction with the winery; and

(bb) Items directly related to wine, the sale of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.

(iv) Prior to the issuance of a permit to establish a winery under LC 16.212(3)(g) above, the applicant shall show that vineyards, described in LC 16.212(3)(g)(i) or (ii) above have been planted or that the contract has been executed, as applicable.

(v) The Approval Authority shall adopt findings for each of the standards described in the above LC 16.212(3)(g)(i) or (ii). Standards imposed on the siting of a winery shall be limited solely to each of the following requirements for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

(aa) Establishment of a setback of 100 feet from all property lines for the winery and public gathering places;

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

~~(bb) Provision of direct road access, internal circulation and parking; and~~

~~(cc) Notwithstanding LC 16.212(g)(v)(aa) above, a setback of less than 100 feet may be established provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.~~

~~(vi) The Approval Authority shall also apply the requirements in LC 16 regarding flood plains, geologic hazards, the Willamette River Greenway, airport safety or other regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.~~

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

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

(k) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(l) 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.

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

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

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

(p) On-site filming and activities accessory to on-site filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(iii) As used in LC 16.212(3)(q), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in LC 16.212(3)(q), "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(iv) As used in LC 16.212(3)(q), "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may ~~reasonable~~ **reasonably** be necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the buildings or facility pre-existed the use approved under this subsection. ~~The site shall not include an aggregate surface or hard surface unless the surface preexisted the use approved under this subsection.~~ **An owner of property used for the purpose authorized in this subsection may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities.** As used in this subsection, "model aircraft" means a small version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

~~(s) The breeding, kenneling and training of greyhounds for racing subject to compliance with the following requirements:~~

~~(i) New uses described in LC 16.212(3)(s) above are not permitted on high value farm land;~~

~~(ii) Lawfully existing uses described in LC 16.212(3)(s) above that are wholly within the Exclusive Farm Use zone may be expanded on the same tract; and~~

~~(iii) Notwithstanding LC 16.212(3)(s)(i) above, lawfully existing facilities described in LC 16.212(3)(s) above that are located on high value farmland may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E RCP) zone and comply with the general provisions and requirements of LC Chapter 16.~~

(ts) Fire service facilities providing rural fire protection services.

(ut) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities associated, **not including parks or other recreational structures and facilities,** with a district as defined in ORS 540.505.

(vu) Utility facility service lines that are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(i) A public right of way;

(ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

(iii) The property to be served by the utility.

(wv) An outdoor mass gathering as defined in ORS 433.735 or other gathering of **3,000 or fewer than 3,000** persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(~~f~~**f-e**) below. "Outdoor mass gathering" or "other gathering," as those terms are used in LC 16.212(3)(v), do not include agri-tourism or other commercial events and activities.

(w) Composting operations and facilities that comply with these requirements:

(i) Composting operations and facilities shall:

(aa) Be accepted farming practices in conjunction with and auxiliary to farm use on the subject tract;

(bb) Limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility; and

(cc) Meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.

(ii) Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(iii) Composting operations and facilities on land not defined as high value farmland and that do not constitute accepted farming practices in conjunction with and auxiliary to farm use on the subject tract are subject to review under LC 16.212(4)(q).

(x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting farm buildings, when:

(i) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(4) Special Uses - Director Approval. These uses are allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. .

(a) Home occupations that comply with these requirements:

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

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;

(iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;

(v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;

(vi) LC 16.212(10)(f) through (g) below;

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16.212

**LEGISLATIVE
FORMAT**

Lane Code

16.212

(vii) Shall not be used as a justification for a zone change;
(viii) Shall comply with any additional conditions of approval established by the Approval Authority;
(ix) May include the parking of vehicles if the home occupation is located on high value farm land; and
(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) A residential home or facility that complies with these requirements:

(i) Shall be a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home;

(ii) Shall be located in a lawfully existing residence; and

(iii) LC 16.212(10)(f) through (h) below.

(c) Commercial activities in conjunction with farm use including the commercial processing of farm crops into biofuel not permitted as a farm use or pursuant to LC 16.212(4)(h) below, that comply with LC 16.212(10)(f) through (g) below.

(d) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities that comply with these requirements:

(i) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September

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16.212

**LEGISLATIVE
FORMAT**

Lane Code

16.212

13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division; and

(ii) LC 16.212(10)(f) through (g) below.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in LC 16.090. Such a facility may be approved for a one year period ~~which that~~ is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a tract where the primary processing facility is located.

(f) A transmission tower over 200 feet in height, not including a telecommunication facility defined by LC 16.264(2), that complies with LC 16.212(10)(f) through (g) below.

(g) Room and board arrangements for a maximum of five unrelated persons in an existing dwelling that comply with LC 16.212(10)(f) through (h) below.

(h) A facility for the ~~primary~~ processing of farm crops or the production of biofuel as defined in LC 16.090 that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(iii) A processing facility shall comply with applicable requirements in LC 16.212(10)(a) through (e) below. These requirements shall not be applied in a manner that prohibits the siting of the processing facility; and

(iv) A land division of a lot or parcel shall not be approved that separates the processing facility from the farm operation on which it is located.

(i) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, provided such utility facilities comply with these requirements:

(i) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

(aa) Technical and engineering feasibility;

(bb) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned E-RCP in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(cc) Lack of available urban and non-resource lands;

(dd) Availability of existing rights of way;

(ee) Public health and safety; and

(ff) Other requirements of state and federal agencies.

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

(ii) Costs associated with any of the factors listed in LC 16.212(4)(i)(i) above may be considered, but cost alone may not be the only consideration of determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(iii) The owner of a utility facility approved under LC 16.212(4)(i) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in LC 16.212(4)(i) above shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(iv) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(v) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Off-site facilities allowed under this paragraph are subject to LC 16.212(10)(f) through (g) below. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval;

(vi) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

(vii) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264;

(viii) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and ~~and~~

(viii) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(j) Publicly owned parks and playgrounds that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Public parks shall include only those uses specified under OAR 660-034-0035; ~~and~~

(iii) A public park may be established consistently with ORS 195.120; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(j) above within three miles of an urban growth boundary, unless an exception is

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(j)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(j)(iv) above.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, ~~uses described in LC 16.212(4)(k) above~~ private campgrounds are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall 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 and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

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

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt; ~~and~~

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iviii) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(vi) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(k) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(k)(vi) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(k)(vi) above.-

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; ~~and~~

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(l) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(l)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(l)(iv) above.-

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services

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**LEGISLATIVE
FORMAT**

16.212

Lane Code

16.212

customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) 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 and that complies with LC 16.212(10)(f) through (g) below.

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) 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. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below;

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

(ii) Insect species shall not include any species under quarantine by the ~~State-Oregon~~ Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the ~~State-Oregon~~ Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.

(q) Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020093-0050 and 340-096-0060 and that comply with these requirements:

(i) Uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(q)(i) above and (ivv) below, lawfully existing facilities described in LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting operations and facilities allowed on land not defined as high value farmland shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. ~~be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3).~~ Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

(iv) LC 16.212(10)(f) through (g) below.

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) ~~Uses described in LC 16.212(4)(r) above shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;~~

~~(ii) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;~~

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iii)(iv) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education; and

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(r) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(r)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(r)(iv) above.;

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995; and

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(s) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(s)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(s)(iii) above.;

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65; and

(iii) LC 16.212(10)(f) through (g) below; and

(iv) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(t) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(t)(iv) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(t)(iv) above.:

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding; or dog training classes or testing trials that cannot be established under LC 16.212(3)(x) above that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(w)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(w) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth

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16.212

**LEGISLATIVE
FORMAT**

Lane Code

16.212

present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) ———Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located that comply with these requirements;~~Public or private schools, including all buildings essential to the operation of a school, that comply with these requirements:~~

(i) Public or private schools are not permitted on high value farm land;

(ii) **LC 16.212(10)(f) through (g) below;**

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iv) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a public or private school formerly allowed pursuant to LC 16.212(4)(b-b), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:

(aa) LC 16.212(10)(f) through (g) below;

(bb) The public or private school was established on or before January 1, 2009; and

(cc) The expansion occurs on:

(i-i) The tax lot on which the public or private school was established on or before January 1, 2009; or

(ii-ii) A tax lot that is contiguous to the tax lot described in LC 16.212(4)(b-b)(iv)(cc)(i-i) above and that was owned by the applicant on January 1, 2009. ~~(iii) On land that is not high value~~

~~farmland, new public or private schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.~~

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(b-b) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(b-b)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(b-b)(v) above.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

- (i) LC 16.212(10)(f) through (g) below; and
- (ii) New destination resorts are not permitted on high value farm

land.

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(c-c)(ii) above, lawfully existing destination resorts described in LC 16.212(4)(c-c) above that are on high value farm land may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

~~(d-d) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings for its operation that complies with these requirements:~~

~~(i) Uses allowed by LC 16.212(4)(d-d) above are not permitted on high value farm land; and~~

~~(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) above, lawfully existing facilities described in LC 16.212(4)(d-d) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.~~

(d-de) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)(ed-ed) are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(e-ed-d)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

~~(ff(e-c)) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and that comply with these 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.

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

~~(g-gf-f)~~ Armed forces reserve center that complies with these requirements; ~~if the center is within one-half mile of the main campus of a community college. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility.~~

~~——(i)~~ The center is within one-half mile of the main campus of a community college;

(ii) An "armed forces reserve center" includes an armory or National Guard support facility; and

(iii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use described in LC 16.212(4)(f-f) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(f-f)(iii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(f-f)(iii) above.

~~——(h-hg-g)~~ Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(g-g) above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(g-g)(ii) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(g-g)(ii) above. ~~and that comply with LC 16.212(10)(f) through (g) below.~~

~~(i-ih-h)~~ Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial

At left margin indicates changes
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16.212

**LEGISLATIVE
FORMAT**

Lane Code

16.212

hazards. A "Golf Course" means a ~~9~~**nine** or 18 hole regulation golf course or a combination ~~9~~**nine** and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation ~~9~~**nine** hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; ~~An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course or that provides goods or services customarily provided to golfers at a golf course.~~

(ee) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ff) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Uses allowed by LC 16.212(4)(i-i(h-h)) above are not allowed on high value farm land as defined in ORS 195.300;

(iv) Notwithstanding LC 16.212(4)(i-ih-h)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(i-ih-h)(i) through (ii) above, but shall not be expanded to contain more than 36 holes; and

(v) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the uses described in LC 16.212(4)(h-h)

above within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(aa) Any enclosed structures or group of enclosed structures described in LC 16.212(4)(h-h)(v) above within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(bb) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of LC 16.212(4)(h-h)(v) above.

(j-j-i) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities, which ~~that~~ comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) On high value farm land, the power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to LC 16.212(10)(f) through (g) below and shall have no effect on the original approval. Permanent features of a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(j-j-i) above are allowed subject to compliance with ORS 469.504.

(j-j) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) OAR 660-033-0130(37).

(k-k) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

- (i) LC 16.212(10)(f) through (g) below; and
- (ii) OAR 660-033-0130(38).

(k-kl-l) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with ORS 215.246 through 215.251, and subject to compliance with these requirements:

- (i) Allowable uses include:

(aa) ~~The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;~~

(bb) ~~The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;~~

(cc) ~~The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:~~

(A) ~~A public right of way; or~~

(B) ~~Other land if the land owner provides written consent and the owner of the facility complies with ORS 215.275(4); and~~

(dd) ~~The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to the land;~~

- (ii) Uses not allowed include:

(aa) ~~The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or~~

(bb) ~~The establishment and use of utility service lines allowed under LC 16.212(3)(r) above; and~~

(iii) ~~If biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright, and a state or Lane County license, permit or approval in connection with the use is not a land use decision.~~

(l-m-m) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.

(n-n) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for private events occurring on more than 25 days in a calendar year subject to the following requirements:

(i) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

(ii) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in LC 16.212(4)(n-n)(i) above; and

(iii) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under LC 16.212(4)(n-n) above.

(iv) Prior to the issuance of a permit to establish a winery under LC 16.212(4)(n-n) above, the applicant shall show that vineyards described in LC 16.212(4)(n-n)(i) through (ii) above have been planted;

(v) A winery described in LC 16.212(4)(n-n)(i) through (iii) above may:

(aa) Market and sell wine produced in conjunction with the winery, including the following activities:

(A) Wine tours;

(B) Wine tastings in a tasting room or other location at the winery;

(C) Wine clubs; and

(D) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(bb) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010, wine not produced in conjunction with the winery and gifts; and

(cc) Provide services, including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(B) Are incidental to the retail sale of wine on-site; and

(C) Are limited to 25 days or fewer in a calendar year.

(dd) The gross income of the winery from the sale of incidental items pursuant to LC 16.212(4)(n-n)(v)(bb) above and services provided pursuant to LC 16.212(4)(n-n)(v)(cc) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(ee) Beginning January 1, 2013, at the request of the Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(4)(n-n)(iv)(dd) above for the previous tax year.

(ff) Sell or deliver items or provide services not described in LC 16.212(4)(n-n)(v)(bb) or LC 16.212(4)(n-n)(v)(cc) or LC 16.212(4)(n-n)(v)(dd) above under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above;

(gg) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

(hh) A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(3)(g) above or LC 16.212(4)(n-n) above;

(vi) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for private events occurring on more than 25 days in a calendar year shall demonstrate that the restaurant and/or events comply with the following standards:

(aa) LC 16.212(10)(f) through (g) below;

(bb) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(cc) Does not materially alter the stability of the land use pattern in the area.

(vii) If the Approval Authority issues a permit under LC 16.212(4)(n-n)(vi) above for private events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(viii) A winery operating under LC 16.212(4)(n-n) above shall demonstrate compliance with the following standards:

(aa) The winery shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established;

(bb) The winery and all public gathering places shall be setback at least 100 feet from all property lines; and

(cc) The winery shall provide for direct road access and internal circulation.

(ix) A winery operating under LC 16.212(4)(n-n) above shall comply with:

(aa) The requirements of LC 16 regarding floodplains, geologic hazards, the Willamette River Greenway, and airport safety;

(bb) Regulations for the public health and safety; and

(cc) Regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(x) A winery that conducts events or uses authorized under LC 16.212(4)(n-n) above shall not conduct events or activities authorized under LC 16.212(4)(o-o) below.

(xi) The Approval Authority may issue a permit for a winery operating under LC 16.212(4)(n-n) above to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the Approval Authority issued permits to wineries operating under LC 16.212(3)(g) in similar circumstances before August 2, 2011.

(xii) As used in LC 16.212(4)(n-n) above, "private events" includes, but is not limited to, facility rentals and celebratory gatherings.

(xiii) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that exists on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(4)(n-n)(v)(dd) above, may be continued, altered, restored or replaced pursuant to ORS 215.130. This does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

(o-o) Agri-tourism and other commercial events or activities that are related to and supportive of agriculture and that comply with these requirements:

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16.212 Lane Code

LEGISLATIVE
FORMAT

16.212

(i) Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if in compliance with LC 16.212(4)(o-o)(iii) and (v) below; or

(ii) Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with LC 16.212(4)(o-o)(i) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial events or activities are in compliance with LC 16.212(4)(o-o)(iv) and (v) below.

(iii) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) above shall comply with the following standards:

(aa) Must be incidental and subordinate to existing farm use on the tract; and

(bb) May not, individually, exceed a duration of 72 consecutive hours.

(cc) Limited Use Permits approved under LC 16.212(4)(o-o)(i) shall be valid for two years from the date of the approval.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(i) may be renewed for an additional two years subject to:

(A) An application for renewal; and

(B) Demonstration of compliance with the provisions of LC 16.212(4)(i) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(iv) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(ii) above shall comply with the following standards:

(aa) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(bb) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(cc) Do not exceed 18 events or activities in a calendar year.

(dd) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) shall be valid for two years from the date of the approval.

(ee) Limited Use Permits approved under LC 16.212(4)(o-o)(ii) may be renewed at four year intervals subject to:

(A) An application for renewal;

(B) Public notice and public comment as part of the review process; and

(C) Demonstration of compliance with the provisions of LC 16.212(4)(ii) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(v) Agri-tourism or other commercial events or activities described in LC 16.212(4)(o-o)(i) and (ii) above shall comply with the following standards:

(aa) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

(bb) LC 16.212(10)(f) through (g);
(cc) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and

(dd) Must comply with conditions established for:

(A) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(B) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(C) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(D) Sanitation and solid waste.

(ee) The Approval Authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under LC 16.212(4)(o-o)(i) or (ii). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The Approval Authority may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under LC 16.212(4)(o-o)(i) or (ii), including, but not limited to, grading, filling or paving.

(ff) A winery that conducts events or uses authorized under LC 16.212(4)(o-o) above shall not conduct events or activities authorized under LC 16.212(4)(n-n) above.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) The alteration, restoration, or replacement in the same location of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates zoning that would restrict or regulate the establishment of a dwelling on the subject property;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling shall be sited in the same location as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable **nonresidential** use within three months of the completion of the replacement dwelling. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling;

(v) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vi) The dwelling to be replaced for which the applicant has requested a deferred replacement permit, shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

(vii) LC 16.212(10)(h) below; and

(viii) Land use approval of a permit described in LC 16.212(5)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(a)(viii) above may be made and approved pursuant to LC 14.700(2).

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced shall be removed, demolished, or converted to an allowable **nonresidential** use within three months of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located

on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, shall execute and record in the Lane County deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The release shall be signed by the Director and state that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(iv) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(v) The dwelling to be replaced for which the applicant has requested a deferred replacement permit, shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

(vi) LC 16.212(10)(h) below; and

(vii) Land use approval of a permit described in LC 16.212(2)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(b)(vii) above may be made and approved pursuant to LC 14.700(2).

(c) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The dwelling shall be occupied by ~~persons~~**relatives** whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below; ~~and~~

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite", as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(79)(a); and

(iv) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to in LC 16.212(5)(c) above.;

(d) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(ii) The temporary manufactured dwelling or park model recreation vehicle will comply with ~~Oregon~~ Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above; and

(vii) Lane County shall not approve any proposed division of a lot or parcel for which a dwelling has been approved pursuant to LC 16.212(5)(d) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal of an

application pursuant to LC 14.050, and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or **three of the last five years or an average of three of the last five years;**

(ii) Except as permitted in ORS 215.213(1)(r)(1999 Edition) for seasonal farm worker housing, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(ba)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling;

or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

~~(B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the~~

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

~~Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings approved under LC 16.212(6)(b)(ii)(cc)(B) above to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required; or~~

~~(CB) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above; or~~

~~(dd) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(6)(b)(ii)(dd) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;-~~

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years, or **three of the last five years or an average of three of the last five years.** In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

- (i) LC 16.212(10)(f) through (h) below;
- (ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;
- (iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;
- (iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the

requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(6)(f)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$80,000 in gross farm income in the last two years, or ~~three of the last five years or an average~~ in three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland. The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval

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16.212

LEGISLATIVE
FORMAT

Lane Code

16.212

of a non-farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years, or ~~three of the last five years~~ or an average of three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

(vi) LC 16.212(10)(h) and (i) below.

(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

(iii) LC 16.212(10)(f) through (i) below.

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(c) above is allowed subject to compliance with the following requirements:

- (i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;
- (ii) The lot or parcel where the dwelling will be located:
 - (aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;
 - (bb) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or
 - (cc) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and

(iii) LC 16.212(10)(f) through (h) below.

(e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

- (i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;
- (ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or
- (iii) The accessory farm dwelling will be located on:
 - (aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

~~—— (B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings approved under LC 16.212(7)(e)(iii)(bb)(B) above to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or~~

~~(EB) —— Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above; or~~

(cc) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm worker housing as that

existing on farm operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory farm dwellings approved under LC 16.212(7)(e)(iii)(cc) to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required. "Farmworker housing" shall have the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163;:

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years, or three of the last five years or an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned ~~and operated a different farm or ranch operation that earned \$32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;~~

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$32,500 in gross farm income in the last two years, ~~or three of the last five years or an average of three of the last five years; and~~

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

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Bold indicates material being added
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16.212

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

<u>Farm Group</u>	<u>Size</u>
Cash grains	120 acres
Field crops (includes grass seed production)	160 acres
Tree fruit and nuts	40 acres
Horticultural specialties	20 acres
General farm, primarily crop	320 acres
Extensive animal grazing	120 acres
Intensive animal husbandry	40 acres
Dairy farm	240 acres
General farm, primarily livestock	80 acres
Berries and grapes	20 acres
Vegetables and melons	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (f) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25	25 acres
E-30	30 acres
E-40	40 acres
E-60	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

Land preparation.
Ripping and plowing.
Fencing.
Surveying.
Crop cultivation.
Irrigation.
Herbicide; fungicide and/or fertilizer application.
Machinery.
Accessory farm buildings.
Breeding and livestock raising concerns.
Labor.
Projected expenses associated with the above.
Date by which the farm management plan would be substantially implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

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16.212

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;
(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), ~~(q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), 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(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

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**LEGISLATIVE
FORMAT**

16.212

Lane Code

16.212

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E-RCP) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

(i) The parcel is not larger than the minimum size necessary for the use;

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**LEGISLATIVE
FORMAT**

16.212

Lane Code

16.212

(ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved under LC 16.212(4)(u) above;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

(i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;

(ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

(m) A division of land may be allowed to create a parcel for the non-farm use identified in LC 16.212(3)(t) above provided:

(i) The parcel is not larger than the minimum size necessary for the use; and

(ii) Any additional tax imposed for the change in use has been paid.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a) (i)(aa) and (bb) above 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.

(ii) Dwellings to be sited upon all other tracts shall be sited as follows:

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

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall 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; and

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

(c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(d) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(e) Signs.

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LEGISLATIVE
FORMAT

16.212

Lane Code

16.212

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

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

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

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on ~~surrounding~~ lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records 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.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) 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. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall 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

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16.212

**LEGISLATIVE
FORMAT**

Lane Code

16.212

(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.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10, 7-10, 11.25.10)*

**PARK AND RECREATION ZONE (PR-RCP)
RURAL COMPREHENSIVE PLAN**

16.215 Park and Recreation Zone (PR-RCP).

(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:

(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

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

(d) To implement the policies of the Lane County Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) 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.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration 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.

(d) Farm use.

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

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) 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.

(h) The following transportation facilities and uses:

(i) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

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

(iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) 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.

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

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

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

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Private hunting and fishing operations without any lodging accommodations.

(b) Caretaker residences for public parks and fish hatcheries.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Aids to navigation and aviation.

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

(g) The following transportation facilities and uses:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public 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 parcels.

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

(v) Park and ride lots.

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16.215

LEGISLATIVE
FORMAT

Lane Code

16.215

- (vi) Railroad mainlines and branchlines.
- (vii) Pipelines.
- (viii) Navigation channels.
- (ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).
- (x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.
- (xi) Subject to LC 16.215(10)(h), continuous median turn lanes.
- (xii) Subject to LC 16.215(10)(h), 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. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- (xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.
- (h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and 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.
 - (iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.
 - (iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.
 - (i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - (j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
 - (k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.
 - (l) Temporary portable facility for the primary processing of forest products.
 - (m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
 - (n) Uninhabitable structures accessory to fish and wildlife enhancement.
 - (o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

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LEGISLATIVE
FORMAT

16.215

Lane Code

16.215

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.215(5) below are met:

- (a) Firearms training facility.
- (b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and 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; and
 - (ii) Only minor incidental and accessory retail sales are permitted.
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

- (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) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.
- (d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

- (a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).
- (b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.
- (c) Golf courses with or without a country club.
- (d) Riding stables.
- (e) Bowling.
- (f) Gymnasium or athletic club.
- (g) Yachting clubs.
- (h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.
- (i) Game rooms, miniature golf, go cart tracks.

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16.215

LEGISLATIVE
FORMAT

Lane Code

16.215

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

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

- (a) Race track.
- (b) Amusement park, carnival, circus.
- (c) Stadium.
- (d) Fairgrounds and amusement park.
- (e) Recreational shooting.
- (f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

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

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

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

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6),

the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

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

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

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

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences 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; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above 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 riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. ~~Vegetation within the primary safety zone could include green lawns~~ and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

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

Building shall be restricted to slopes of less than 40 percent.

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

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

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

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

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire fighting 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. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall 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 equipment and containing rock 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 shall 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 shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall 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. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall 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.

(iii) Bridges and Culverts. Bridges and culverts shall 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.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) 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 fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below in LC 16.215(10)(vii).

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

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

(g) Signs.

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

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

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

(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall 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;

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**LEGISLATIVE
FORMAT**

16.215

Lane Code

16.215

(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.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6-17-87; 12-90, 10-11-90; 11-91A, 8-30-91; 17-91, 10-17-92; 10-92, 11-12-92; 1-02, 4-10-02; 10-04, 6-1-04; 5-04, 7-1-04)*

(12) Youth Camps. The purpose of LC 16.215(12) below 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. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority 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 LC 16.215(12)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) 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 shall be 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. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) 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 shall 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 shall be 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:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) 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 Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) 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 shall not be 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;

(ii) Primary cooking and eating facilities shall 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 shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

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**LEGISLATIVE
FORMAT**

16.215

Lane Code

16.215

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) 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;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.251(10)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures;

and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall 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 the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority 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.

(j) The Approval Authority shall require 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

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16.215

LEGISLATIVE
FORMAT

Lane Code

16.215

alleging injury from farming or forest practices for which no action or claim is
allowed under **ORS 30.936 or 30.937**. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90,
10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

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16.218

**LEGISLATIVE
FORMAT**

Lane Code

16.218

**SAND, GRAVEL & ROCK PRODUCTS-CONTROLLED PROCESSING ZONE
(SG-CP-RCP)
RURAL COMPREHENSIVE PLAN**

16.218 Sand, Gravel & Rock Products-Controlled Processing Zone (SG-CP-RCP).

(1) Purpose. The provisions of the Sand, Gravel & Rock Products-Controlled Zone (SG-CP-RCP) are intended to provide more restrictive control of processing activities than the Sand, Gravel & Rock Products Zone (SG-RCP), for the purpose of encouraging the preservation and orderly extraction of sand and gravel deposits and for the protection of surrounding properties by the exercise of greater control over the location and operation of sand and gravel extraction processing activities. It is further intended by the establishment of the SG-CP-RCP Zone that the Comprehensive Plan for Lane County and any pertinent special studies shall be used as a basis to determine where this zone would be more appropriate than the SG-RCP Zone.

The SG-CP-RCP zone shall only be applied to those sites which have been evaluated consistently with the Statewide Planning Goal #5 Administrative Rule conflict resolution process.

(2) Regulations. The requirements of the SG-CP-RCP Zone shall be the same as provided in the SG-RCP Zone (LC 16.217), except as expressly provided in this section.

(a) Land Use Compatibility as Operation Standard. The Sand and Gravel Review Committee shall evaluate, in its consideration of operational plans as provided in LC 16.217(7), the location for the erection or enlargement of all processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, by the criteria set forth in LC 16.218(3) below. In addition to these criteria, the Review Committee shall consider compliance with the adopted Comprehensive Plan of Lane County and shall further consider special studies which have been developed for the subject area. Notwithstanding the provisions of 16.217(a)(v), the Committee shall disapprove all or a part of any portion of any operations plan involving such processing equipment or activities which, in the Committee's judgment, do not conform to the above-described criteria, plans or studies.

(b) Administration.

(i) In addition to the same administrative procedures as provided in LC 16.217(7)(a)(i) through (iv), the following procedures shall apply for (1) processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, and for (2) operations plans which include a request to vary the minimum setback dimensions provided in LC 16.217(5)(a) from an SG-CP-RCP Zone boundary.

(aa) Review Committee Action. Within seven days after obtaining the necessary recommendations of the Oregon State Lane Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall (a) approve the plans or require modification in the plans to conform with the requirements of this Chapter and with a river design plan which may be adopted by the Board, or (b) disapprove the plans as authorized in LC 16.218(2)(a) above. The Review Committee shall follow LC 14.100 when approving, modifying or denying plans. Decisions by the Review Committee pursuant to LC 14.100 may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.

~~(e) Review Committee Action. Within~~

~~seven days after obtaining the necessary recommendations of the Oregon State Lane Board or the US Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall (a) approve the plans or require modification in the plans to conform with the requirements of this Chapter and with a river design plan which may be adopted by the Board, or (b) disapprove the plans as authorized in LC 16.218(2)(a) above.~~

~~The Review Committee shall follow LC 14.100 when approving, modifying or denying plans. Decisions by the Review Committee pursuant to LC 14.100 may be appealed in the same manner as provided for in LC 14.500 for appeals of decisions by the Director.~~

(bb) Approved Plans. The operator shall be allowed to proceed in accordance with the plans as finally approved by the Sand and Gravel Review Committee, or Board of Commissioners in the event of appeal. The Director of Public Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of LC 16.262 of this Chapter or other applicable laws. The operator shall then be subject to the penalties of LC 16.263 of this Chapter or other applicable law, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law. Variances to dimensional standards provided in LC 16.217(5) shall be considered by the Review Committee as a part of the consideration of operational plans and are subject to the same standards and criteria contained in LC 16.217(7)(b).

(3) Operational Plan Approval Criteria. Compliance to the following criteria is required as provided in LC 16.218(2)(a) above:

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

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

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

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

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

(4) Permitted Uses. In the SG-CP-RCP zone, the following uses are permitted subject to the following restriction: For any property designated in the Eugene-Springfield Metropolitan Plan as significant in terms of OAR 660-16-000/025 and designated as '1B', a Goal #5 ESEE consequences analysis per the Goal #5 Administrative Rule must first be completed. If the landowner and County do not agree on the method to achieve the Goal, the matter shall be forwarded to the Hearings Official for processing consistent with LC 16.100. (Revised by Ordinance No. 7-87, Effective 6.17.87)

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16.219

LEGISLATIVE
FORMAT

Lane Code

16.219

**PUBLIC FACILITIES ZONE (PF/RCP)
RURAL COMPREHENSIVE PLAN**

16.219 Public Facilities Zone (PF-RCP).

(1) Purpose. The Public Facilities Zone (PFR-RCP) is intended to provide land for those public and semipublic functions that provide a service and are by nature an intensive or unusual use not normally associated with other zones. The zone is not intended for facilities that are primarily for an open space recreational nature, and is intended for those areas that have been included in an exception as part of the Rural Comprehensive Plan.

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

(a) Utilities essential to the physical, economic and social welfare of an area such as:

(i) Electric utility: electric transmission right-of-way, electric generation plant, electricity regulating substations.

(ii) Gas utility: gas pipeline right-of-way, natural or manufactured gas storage and distribution points, gas pressure control stations.

(iii) Water utility: water pipeline right-of-way, water treatment plants, water storage.

(iv) Sewage disposal: sewage treatment plants, sewage sludge drying beds, sewage pressure control stations.

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

(b) Educational services such as:

(i) Nursery, primary and secondary education.

(ii) Colleges and professional schools.

(iii) Special training schools such as those for: vocational, trade, business, art, music, dancing, driving, gymnastics, correspondence, etc.

(c) Religious activities, including churches, synagogues, temples, monastery or convent, etc.

(d) Welfare and charitable services.

(e) Professional membership organizations.

(f) Labor unions and similar labor organizations.

(g) Civic, social and fraternal associations.

(h) Business associations.

(i) Sports assembly, such as stadium, arenas and race tracks.

(j) Governmental services, such as post office, fire station and police station.

(k) Cemeteries.

(l) Fairgrounds which may include a race track.

(m) Health Services, such as dental, hospital, medical laboratory, dental laboratory, sanitarium, convalescent and rest home services, medical clinics.

(n) Communication and facilities, such as:

(i) Telephone: exchange stations, relay towers.

(ii) Telegraph: message centers, transmitting and receiving stations.

(iii) Radio: broadcasting studios, stations, towers.

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16.225

LEGISLATIVE
FORMAT

Lane Code

16.225

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

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

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

- (a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.
- (b) Any use permitted in the M-1, RCP Zone (~~LC 16.224(1)~~). ~~(LC 16.224(2))~~
- (c) Bottling works, including alcoholic beverages.
- (d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.
- (e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.
- (f) Feed and seed store.
- (g) Freight and trucking yards or terminal.
- (h) Mobile home sales and repairs.
- (i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- (j) Lumberyards and building material sales.
- (k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.
- (l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.
- (m) Moving equipment rental, parcel delivery plant.
- (n) Poultry or rabbit killing, incidental to a retail trade on the same premises.
- (o) Tire recapping.
- (p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.
- (q) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
 - (i) Purpose and intent of this District.

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LEGISLATIVE
FORMAT

16.225

Lane Code

16.225

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

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

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

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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LEGISLATIVE
FORMAT

16.226

Lane Code

16.226

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

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

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

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

(b) Any use permitted in the M-2, RCP Zone (~~LC 16.225(2)(1)~~).

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

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

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

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

(i) Purpose and intent of this District.

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

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

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

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

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

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

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

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

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

16.237

Lane Code

16.237

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

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

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

The /SN-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN-RCP Zone that require protection beyond that provided by the zone or zones with which the /SN-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /SN-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /SN-RCP Zone is combined. Where the requirements of the /SN-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(10) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /SN-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Shore-secured floating moorage facilities in adjacent water areas.

(f) Dredged material disposal when the /SN-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(g) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by ~~LC 16.237(11)~~ **LC 16.237(10)** below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100,

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**LEGISLATIVE
FORMAT**

16.237

Lane Code

16.237

upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /SN-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237(6), (7) and (8) below.

(ii) Criteria and Conditions.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

(dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(ff) All otherwise applicable requirements of this section are met.

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /SN-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.237(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.

(bb) The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Rural Comprehensive Plan.

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**LEGISLATIVE
FORMAT**

16.237

Lane Code

16.237

(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.

(dd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling-type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following uses are specially prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in the Lane County Rural Comprehensive Plan.

(6) Site and Development Requirements. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

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

(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.237(6)(a) above. Where vegetation removal beyond that allowed in LC 16.237(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

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LEGISLATIVE
FORMAT

16.242

Lane Code

16.242

**DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP)
RURAL COMPREHENSIVE PLAN**

16.242 Dredge Material Mitigation Site Combining Zone (/DMS-RCP).

(1) Purpose. The Dredge Material/Mitigation Site Combining Zone (/DMS-RCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Rural Comprehensive Plan. The purpose of the /DMS-RCP Zone is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS-RCP Zone may only be applied, where appropriate, in combination with the three Estuary Zones (/NE-RCP, /CE-RCP, or /DE-RCP), or with the Significant Natural Shorelands Combining Zone (/SN-RCP), Natural Resources Conservation Combining Zone (/NRC-RCP), Residential Development Shorelands Combining Zone (/RD-RCP) and Shorelands Mixed Development Combining Zone (/MD-RCP); ~~Shorelands Combining Zones~~ and the underlying zones with which the Shorelands zones are combined.

(2) Permitted Uses and Buildings.

(a) Farm uses as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(b) Propagation and harvesting of forest products as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(c) Dredged material deposition; provided, however, such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.

(d) Activities in conjunction with a mitigation plan approved by the Division of State Lands; provided, however, such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan.

(3) Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to approval of the Planning Director as provided for in LC 14.100, based on the criteria below. The following criteria apply to review of a use in the /DMS-RCP Zone:

(a) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this zone; or

(b) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project.

(4) Stabilization of Dredged Materials. It shall be the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained.

(5) Responsibility to Acquire Mitigation/Restoration Sites. It shall not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation channel and development of the estuary. It shall also not be the responsibility of Lane County to acquire sites for restoration to the estuary. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96)*

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LEGISLATIVE
FORMAT

16.245

Lane Code

16.245

COMMERCIAL AIRPORT SAFETY COMBINING ZONE (/CAS-RCP)
RURAL COMPREHENSIVE PLAN

16.245 Commercial Airport Safety Combining Zone (/CAS-RCP).

(1) Purpose. The Commercial Airport Safety Combining Zone (/CAS-RCP) is applied to those lands adjacent to and within the Mahlon Sweet Field Airport. The /CAS-RCP Zone is intended to carry out the following purposes:

(a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.

(b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.

(2) Applicability. The /CAS-RCP Zone is applied to those lands encompassed by the surfaces set forth and described in LC 16.245(4) below and diagramed in LC 16.245(6) below.

(3) Use Limitations. In the /CAS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /CAS RCP Zone is combined:

(a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /CAS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the height limitations of the various areas described in LC 16.245(4) below.

(b) No use may be made of land or water in such a manner as to create electrical interference with navigational signals or radio for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.

(4) Surfaces Described.

(a) Primary Surfaces.

(i) The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of prepared runway surfaces. The width of the Primary Surface for each runway is the same as the width of the inner portion of the Approach Surface for that runway.

(ii) For purpose of this section, the center-points at the ends of each runway Primary Surface shall be considered as having the following coordinates and elevations:

Runway	Centerpoint Coordinates (NAVD 83)		Centerpoint Elevation (NAVD 88)
	Latitude	Longitude	Feet above sea level
16R	44°08'07.610"	123°13'08.960"	360.1
34L	44°06'36.766"	123°13'07.953"	365.5
16L	44°07'58.724"	123°12'09.711"	363.4
34R	44°06'59.478"	123°12'08.832"	373.6

16.245

Lane Code

16.245

(iii) The elevation at any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline. For purposes of this section, the runway centerline shall be considered as having a straightline grade between the two centerpoints for that runway as described in LC 16.245(4)(ii) above.

(b) Runway 16R-34L Approach Surface. This runway is a precision instrument runway aligned in a north-south direction and is designated as a primary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface at the ends of Runway 16R-34L and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being a continuation of the runway centerline. The Approach Surface for 16R and 34L extends outward and upward at a slope of 50 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot to an additional distance of 40,000 feet along the extended runway centerline.

(c) Runway 16L-34R. This runway is a precision instrument runway aligned in a north-south direction and will be designated as a secondary runway. The inner edges of the Approach Surfaces coincide with the width of the Primary Surface of the ends of Runway 16L-34R and are 1,000 feet wide. Each Approach Surface extends outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the Primary Surface, its centerline being the continuation of the runway centerline. The Approach Surface for 16L extends outward and upward at a slope of 20 horizontal feet to one vertical foot beginning at the end of and at the same elevation as the Primary Surface, to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 horizontal feet to one vertical foot for an additional 40,000 feet along the extended runway centerline. The Approach Surface for 34R extends outward and upward at a slope of 34 horizontal feet to one vertical foot, beginning at the end of and at the same elevation as the Primary Surface to a horizontal distance of 50,000 feet along with extended runway centerline.

(d) Transitional Surfaces. These surfaces are adjacent to the Primary Surfaces and the Approach Surfaces. The surfaces slope upward and outward seven horizontal feet to one vertical foot, beginning at the side of and at the same elevation as the Primary Surfaces and the Approach Surfaces, and extend to where they intercept the Horizontal Surface at a height of 150 feet above the airport elevation. Where the Runway 16R-34L and 16L-34R Approach Surfaces pass through the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation Approach Surface, and extending to where they intersect the Conical Surface. Where the Runway 16R-34L and 16L-34R Approach Surfaces extend beyond the Conical Surface, there are Transitional Surfaces sloping outward and upward seven horizontal feet to one vertical foot, beginning at the sides of and at the same elevation as the Approach Surface, and extending to a horizontal distance of 5,000 feet measured horizontally from the edge of the Approach Surface and at right angles to the runway centerline.

(e) Horizontal Surface. The Horizontal Surface is described by swinging arcs of 10,000 feet radii from the center of each end of the Primary Surfaces of Runway 16R-34L and Runway 16L-34R, and connecting the arcs with tangent lines. The Horizontal Surface is a horizontal plane 150 feet above the elevation of the airport and

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LEGISLATIVE
FORMAT

16.245

Lane Code

16.245

for purposes of this section shall be considered as having an elevation of 515 feet above mean sea level. The Horizontal Surface does not include the Approach and Transitional Surfaces.

(f) Conical Surface. The Conical Surface begins at the outer periphery of the Horizontal Surface and slopes outward and upward 20 horizontal feet to one vertical foot, starting at the elevation of the Horizontal Surface and extends outward a horizontal distance of 4,000 feet.

(5) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the City of Eugene to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the City of Eugene.

(6) Surfaces Diagramed. The surfaces described in LC 16.245(4) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87; Effective 6.17.87; 10-06, 1.5.07)*

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LEGISLATIVE
FORMAT

16.246

Lane Code

16.246

(c) All structures and uses within this combining district shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor, and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane County Ordinance No. 105, or successor, regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(4) Uses Prohibited. The area lying beneath the Approach Surface beginning at the end of the Primary Surface and extending outward a horizontal distance of 1,000 feet shall be considered to be a clear zone. Within this clear zone, no structure or object, except for fences and navigational aids approved by the airport operator, shall be erected, placed, altered, allowed to grow or be maintained above the surface of the ground.

(5) Surface Described.

(a) Approach Surface. A surface longitudinally centered on the runway centerline, extending outward and upward from the ends of the Primary Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 5,000 feet and widening from the width of 250 feet to 1,250 feet at its outer edge.

(b) Conical Surface. A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 4,000 feet. This surface rises from 150 feet above the runway and extends to a height of 350 feet above the runway.

(c) Horizontal Surface. A horizontal plane 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines.

(d) Primary Surface. The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of the prepared runway surface and having a width of 250 feet. For purposes of this section, the Primary Surface shall be considered as having the same elevation as its respective runway as the same are specified in LC 16.246(2) above. The centerpoints at the ends of each Primary Surface shall be considered as having the following coordinates:

	<u>North Coordinate</u>	<u>East Coordinate</u>
Cottage Grove Airport	787358	1331306
	790828	1331606
Crcswell Airport	833934	1339698
	836415	1339781
Oakridge Airport	766146	1472836
	767325	1469017
McKenzie Bridge Airport	920159	1582521
	920810	1585438
Florence Airport	868731	1050341
	869823	1049883

(e) Transitional Surfaces. These surfaces extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the Primary Surface and Approach Surface to the point of intersection with the Horizontal Surface.
~~Surface from the sides of the Primary Surface and Approach Surface at a slope of one~~

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LEGISLATIVE
FORMAT

16.246

Lane Code

16.246

~~horizontal foot to seven vertical feet to their intersection with the Horizontal Surface.~~
~~This surface~~ **The Transitional Surface** extends to a height of 150 feet above the runway.

(6) **Marking and Lighting.** The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the airport operator to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the airport operator.

(7) **Special Requirements for Construction Permits.** Within the area beneath the Approach Surface, no construction permit shall be issued for any building, mobile home or other structure designed and intended for human occupancy until the property owner has agreed to waive action against the County and the airport for noise, property damage or personal injuries resulting from activities connected with the airport. Such waiver shall apply only when such activities are conducted in conformance with rules and regulations of the airport and applicable Federal and State air regulations and no negligence on the part of the County or the airport is involved. The waiver shall be in a form prescribed by the Planning Director and shall be binding on the grantees, their heirs, assigns and successors in title.

(8) **Area.** Established by underlying, parent zone.

(9) **Surfaces Diagramed.** The surfaces described in LC 16.246(5) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87, Effective 6.17.87; 10-04, 6.4.04; 6-10; 09.17.10)*

16.257

Lane Code

16.257

**SITE REVIEW PROCEDURES
RURAL COMPREHENSIVE PLAN**

16.257 Site Review Procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16.290

Lane Code

16.290

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

16.290 Residential Zone (RR).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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LEGISLATIVE
FORMAT

16.290

Lane Code

16.290

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

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

(d) Not more than one manufactured dwelling or park model recreation vehicle on a lot or parcel, in addition to an existing dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured dwelling or duplex, or a relative of the resident, subject to compliance with these requirements:

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

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

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

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

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

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

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

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

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

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LEGISLATIVE
FORMAT

16.290

Lane Code

16.290

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

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

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

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

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

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

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

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

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

(ii) The home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed

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LEGISLATIVE
FORMAT

16.290

Lane Code

16.290

1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of home occupation vehicles.

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

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

(v) The operation of sound producing tools, machinery and devices shall comply with LC 5.600, PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the home occupation, other than the vehicles of the owner, shall not be "plainly audible," as defined by LC 5.605, from any boundary of the subject property before 7:30 A.M. -or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

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

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

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

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

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

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

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

16.290

Lane Code

16.290

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

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

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

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

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

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

(k) Fish and wildlife habitat management.

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

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

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

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

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

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

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

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

(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any

16.290

Lane Code

16.290

required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

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

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

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

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

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

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

(ii) The structure shall not contain a kitchen.

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

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

(v) The structure shall not have an address.

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

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

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

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

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

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**LEGISLATIVE
FORMAT**

16.291

Lane Code

16.291

landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.291(2)(c) above shall be maintained.

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

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

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

(e) Fish and wildlife habitat management.

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

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

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

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

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

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

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

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

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

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.291(3)(a) through (t), and (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (a-a) through (b-b) below, may be allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.291(4)(a) through ~~(i)~~(j) below and elsewhere in LC Chapter 16;

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**LEGISLATIVE
FORMAT**

16.291

Lane Code

16.291

and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal. The uses and development in LC 16.291(3)(u) and (c-c) below, may be allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

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

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

(c) Retail trade of services, including: personal, finance, insurance, banking, real estate, professional, and the construction trades including but not limited to general contracting, carpentry, cabinetmaking, electrical, plumbing, and landscaping.

(d) Restaurants.

(e) Bars, nightclubs, taverns or brewpubs.

(f) Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.

(g) Medical or veterinarian clinic.

(h) Service stations and auto repair garages.

(i) Bus passenger terminals.

(j) Boat charter and rental, including fishing equipment.

(k) Outdoor tourist attractions featuring displays of educational or historical value.

(l) Day camp and picnic areas.

(m) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating and roller blading, riding stables, bowling, skiing, snowboarding and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.

(n) Indoor or outdoor theaters.

(o) Post Office facilities.

(p) Equipment rental and leasing service.

(q) Recreational vehicle or boat storage, sales, repair and subordinate boat building that comprises less building floor area than used for boat sales or rentals.

(r) Marina.

(s) Outdoor car or truck sales lots, indoor truck or auto repair, and not including the outdoor storage of inoperable vehicles.

(t) A commercial kennel or a commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.

(u) New motels or hotels with up to 35 units within an unincorporated rural community designated in the Rural Comprehensive Plan, or new motels or hotels with up to 100 units within an urban unincorporated community designated in the Rural Comprehensive Plan, that meet the following conditions:

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**LEGISLATIVE
FORMAT**

16.291

Lane Code

16.291

(i) They are located at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5; and

(ii) They are served by a "community sewer system" that means, "A sewage disposal system with connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community."

(v) A recreation vehicle park that may include individual electrical, water and sanitation disposal system hookups. A sanitation disposal system approved by DEQ or a centralized, pump-out vault may be provided for off-loading in compliance with ORS. The stay limit for a recreational vehicle shall not exceed 29 consecutive days or more than 90 days in any calendar year or consecutive six-month period.

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

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

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

(z) Overnight accommodations that shall:

(i) Have no more than 15 guest rooms in a single structure. Food preparation and service in a centralized kitchen may be provided for guests only.

(ii) Have only minor incidental and accessory retail sales;

(iii) Be occupied only temporarily for the purpose:

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

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

(iv) The Approval Authority may impose appropriate conditions.

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

(i) Be operated by a nonprofit organization or public agency;

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

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

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

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

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

(aa) Goods or services traded from the site;

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

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

(dd) Intensity of land use of the site.

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**LEGISLATIVE
FORMAT**

16.291

Lane Code

16.291

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

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

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

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

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

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

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

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

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

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

(4) Criteria. New uses or development allowed by LC 16.291(3)(a) through (t), (v) through (w), (z), and (a-a) through (b-b) above, shall comply with the criteria in LC 16.291(4) below. Telecommunications facilities allowed by LC 16.291(3)(x) above shall comply with the requirements in LC 16.264.

(a) Floor Area and Lot or Parcel Coverage. If located in an area designated by the RCP as an unincorporated community, no one commercial building or combination of commercial buildings on a lot or parcel within an urban unincorporated community shall contain more than 8,000 square feet of floor area for the same commercial use; or, no one commercial building or combination of commercial buildings on a lot or parcel in any other type of unincorporated community shall contain more than 4,000 square feet of floor area for the same commercial use unless the conditions in LC 16.291(4)(a) below are met. If not located in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,500 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing at least 750 square feet of floor area used for other permitted commercial uses). A country store located outside an area designated by the RCP as an unincorporated community may contain a maximum of 3,750 square feet of floor area. An exception to the 8,000, 4,000 or 3,500 commercial building square feet floor area requirement in LC 16.291(4)(a) above may be allowed if it complies with these requirements:

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

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

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LEGISLATIVE
FORMAT

16.292

Lane Code

16.292

property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

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

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

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

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

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

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

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

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, "in proximity to the rural resource" shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

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

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

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**LEGISLATIVE
FORMAT**

16.292

Lane Code

16.292

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

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

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

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

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

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

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

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

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

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

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

(aa) Goods or services traded from the site.

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

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

(dd) Intensity of land use of the site.

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

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

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

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16.292

Lane Code

16.292

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

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

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

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

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

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

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

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

(ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

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

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

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

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

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

(o) Any level of industrial uses, sited on an abandoned or diminished mill site, ~~that has been rezoned to Rural Industrial Zone (RI, RCP) pursuant to the plan amendment process of LC 16.400(10).~~ **The Director shall determine the boundary of the mill site that may include only those areas that were improved for the processing or manufacturing of wood products. The Board shall determine the boundary of an**

16.292

Lane Code

16.292

abandoned or diminished mill site that is rezoned for Rural Industrial Use pursuant to LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

- (i) Is located on a parcel or lot outside of urban growth boundaries;
- (ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
- (iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

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

(s) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size or type, on a lot or parcel that was zoned for industrial use on January 1, 2004, subject to compliance with these requirements:

- (i) The Director may authorize on-site sewer facilities to serve the industrial development authorized under LC 16.292(3)(s), including accessory uses subordinate to the industrial development.

16.292

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16.292

(ii) The lot or parcel is located more than three miles outside the urban growth boundary of every city with a population of 20,000 individuals or more; or

(iii) The lot or parcel is located outside an urban growth boundary of every city with a population of fewer than 20,000 individuals.

(iv) The lot or parcel is located west of the summit of the Coast Range.

(v) When the Director considers action under LC 16.292(3)(s) for a lot or parcel within 10 miles of the urban growth boundary of a city, the Director shall give notice to the city at least 21 days prior to taking action.

(vi) If the City objects to the authorization of the proposed industrial development under LC 16.292(3)(s), the Director shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

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

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

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

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

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

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

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

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

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

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement,

CERTIFIED MAIL



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PUBLIC WORKS DEPARTMENT
LAND MANAGEMENT DIVISION
3050 N. DELTA HIGHWAY
EUGENE, OREGON 97408-1636

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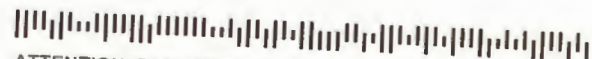


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**LAND CONSERVATION
AND DEVELOPMENT**



ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540