



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 12/28/2014
Jurisdiction: Lane County
Local file no.: 509-PA14-05053
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/19/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001 - 14

{19861}

Received: 12/19/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Lane County

Local file no.: **509-PA14-05053 / Ordinance No. 14-08**

Date of adoption: 10/07/2014

Date sent: 12/19/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2/10/2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

yes, there were some proposed revisions removed and some modified that were not originally proposed to be changed.

Local contact (name and title): Lindsey Eichner

Phone: 541-682-3998

E-mail: Lindsey.Eichner@co.lane.or.us

Street address: 3050 N. Delta Hwy

City: Eugene

Zip: 97408-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Lane Code 16.090, 16.210, 16.211, 16.212, 16.244, 16.251, 16.290.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 14-08

IN THE MATTER OF AMENDING
CHAPTER 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 16.090, 16.210, 16.211,
16.212, 16.244, 16.251, 16.290). (FILE NO.
509-PAL4-05053)

WHEREAS, certain changes to Lane Code Chapter 16 are desired to bring Lane Code into compliance with legislative updates and to update text and make housekeeping revisions;

WHEREAS, amending Chapter 16 of the Lane Code will bring Lane Code into compliance with State laws, Oregon Revised Statutes enacted by the Oregon Legislative Assembly and Oregon Administrative Rules adopted by the Department of Land Conservation and Development;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. Lane Code Chapter 16 is amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

16.090
16.210
16.211
16.212
16.244
16.251
16.290

INSERT THESE SECTIONS

16.090
16.210
16.211
16.212
16.244
16.251
16.290

2. 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.

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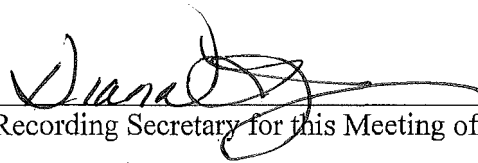
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3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and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

ENACTED this 7th day of October, 2014.



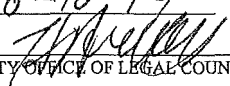
Pat Farr, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10-10-14



LANE COUNTY OFFICE OF LEGAL COUNSEL

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 or forest operation and used for:

- (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
- (ii) The raising, harvesting and selling of crops or forest products;
- (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, forestry 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, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

(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. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is located on the same tract as a Winery, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery.

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.

Compost. The controlled biological decomposition of organic material or the product resulting from such a process.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.

Disposal site. For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

- (1) "Disposal site" does not include:

(A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

(C) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;

(D) A site operated by a dismantler issued a certificate under ORS 822.110; or

(E) A site used for the storage of dredged materials.

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 (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

(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 sewerage 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; 7-12, 12.28.12)

**NONIMPACTED FOREST LANDS ZONE (F-1, RCP)
RURAL COMPREHENSIVE PLAN**

16.210 Nonimpacted Forest Lands Zone (F-1, RCP).

(1) Purpose. The purpose of the Nonimpacted Forest Lands District (F-1, RCP) is:

(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.

(b) To conserve forest land for uses consistent with Statewide Planning Goal 4.

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

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any 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 operations.

(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 the land which 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.

(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.

(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) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.210(7)(a)(v) and (7)(c)(i)(aa).

(k) Maintenance, repair or replacement of existing dwellings.

(l) 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) Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(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) Television, microwave, and radio communication facilities and transmission towers.

(f) Fire stations for rural fire protection.

(g) Utility facilities for the purpose of generating five (5) megawatts or less of power.

(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 distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

(n) Home occupations, subject to the following conditions and annual review:

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

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of 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 below. Prior to December 31 of each year, 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 one-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 temporary mobile home in conjunction with an existing dwelling or mobile home provided the following requirements are met:

(i) A resident of the existing dwelling or mobile home and a resident of the temporary mobile home are relatives. "Relative" means grandparent, parent, child, brother, or sister.

(ii) A relative of one of the residences suffers a hardship and needs care from the relative in the other residence.

(iii) Satisfactory evidence of the relative's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the relative's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing person with the hardship qualifies as a relative of the person who will provide care.

(iv) The temporary mobile home will be located on the same lot or parcel as the existing dwelling or mobile home.

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home. If the temporary mobile home will use a public sanitary sewer system, use of an on-site sewage disposal system will not be required.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits 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 situations cease.

- (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 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) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.210(2) or LC 16.210(3), subject to LC 16.210(5)(d).
 - (x) Replacement of an intersection with an interchange, subject to LC 16.210(5)(d).
 - (xi) Continuous median turn lanes, subject to LC 16.210(5)(d).
 - (xii) Subject to LC 16.210(5)(d), 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 16.210(5)(d), transportation facilities, services and improvements other than those listed in LC 16.210 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 subject to compliance with LC 16.210(6)(a) or (b) below, LC 16.210(6)(c)-(f) 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.
- (s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- (t) Permanent facility for the primary processing of forest products.
- (u) Disposal site for solid waste approved by Lane County for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- (v) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
- (w) 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.

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

(y) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

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

(aa) Temporary forest labor camps.

(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 16.210(5) below are met:

(a) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.210(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.

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(6)(a) or (b), LC 16.210(6)(c)-(f), 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 16.210(3)(a)-(u) 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 16.210(3)(c), (d), (j), (n), (o) and (r), 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) Transportation facilities and uses listed in LC 16.210(3)(q)(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.

(e) For uses authorized above in LC 16.210(4), the proposed uses will not significantly conflict with the livability and appropriate uses on adjacent and nearby lands.

(6)

(7) Siting Standards for Dwelling, Structures and Other Uses. The following siting standards shall apply to all structures and other uses as specified above in LC 16.210(2)(h), (2)(k), (3) and (4). 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 16.210(6)(a) through (b) below shall be weighed together with the requirements in LC 16.210(6)(c) and (e) below to identify the building site.

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

(i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%); and

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

(iii) Where possible, when considering LC 16.210(6)(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) 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) 30 feet from all property lines other than those described in LC 16.210(7)(a)(v)(aa) above;

(cc) The minimum distance necessary to comply with LC 16.210(7)(a) above and LC 16.210(7)(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, or structures:

(i) Fuel-Free Breaks. The owners of 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 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 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 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. 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 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 is 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 that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured home 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 residential structures in compliance with the standards in LC 16.211(7)(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 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 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 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 Department of Water Resources Oregon 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 16.210(7)(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 will comply with the standards specified below in LC 16.210(7)(e). Evidence of compliance

with the standards specified in LC 16.210(7)(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 only one 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 at least six inches in depth of gravel 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, survey 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. 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 16.210(6)(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% 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 16.210(6)(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.

(8) 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.

(9) Area. The creation of a new lot or parcel must comply with LC Chapter 13 for the submittal and approval of tentative plans and plats and with the following requirements:

(a) The minimum area requirement for the creation of new lots or parcels for land designated as Nonimpacted Forest Land (F-1) is 80 acres. An exception to this area requirement may be made pursuant to LC 16.210(9)(b)-(f) below;

(b) 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 is not eligible for siting a new dwelling;

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

(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) 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;

(vi) The land division, cannot be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.210(9)(b) above signs a statement that is 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.

(c) New land divisions less than the 80 acre parcel size required by LC 16.210(9)(a) above are allowed for the uses listed in LC 16.210(2)(i), LC 16.210(3)(a)

through (k), LC 16.210(3)(n) and (y), and LC 16.210(4) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.210(2)(i), LC 16.210(3)(a) through (k), LC 16.210(3)(n) and (y), and LC 16.210(4) 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 16.210(9)(c) 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;

(d) A division of a lot or parcel for an existing 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 existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is 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 16.210(9)(d) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.210(9)(d) above. This restriction is 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 16.210(9)(d) above must 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) The Planning Director is required to maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.210(9)(d) above. The record shall be readily available to the public.

(e) 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 16.210(6) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.210(9)(e) 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 16.210(9)(e) above;

(v) A lot or parcel may not be divided under Lane Code 16.210(9)(e) 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 16.210(9)(e) 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 16.210(9)(e) 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 16.210(9)(e)(vii) above. The record shall be readily available to the public.

(f) 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 16.210(9)(f)(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 16.210, the parcel must be large enough to support continued residential use or other allowed use 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) Developing the parcel for any use not authorized in LC 16.210 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 16.210(9)(f) 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 is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(9)(f)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(10) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, 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). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10)*

**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.

(n) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.211(8)(a)(v) and (8)(c)(i)(aa).

(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 or big game hunting seasons, or both, authorized by the Oregon Fish and Wildlife Commission; and

(iv) The use does 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 is not eligible for siting a new dwelling;

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

(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) 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) The land division cannot be used to justify the re-designation or rezoning of resource lands; and

(vi) A landowner allowed a land division under LC 16.211(10)(a) above signs a statement that is 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.

(vii) 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 subject to compliance with these requirements:

(i) The parcel established for the existing dwelling cannot 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 existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is 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 must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings or unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction is 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 must 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 is required to 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 LC 16.211(3)(c) 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; 7-12, 12.28.12)*

**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 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) Wineries that comply with LC 16.212(12)(a)(i) and (ii) or LC 16.212(12)(b)(i) and (ii).

- (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 associated with a site for the takeoff and landing of model aircraft must 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 cannot 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 farm buildings that existed on January 1, 2013, 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.

(y) The slaughter, processing or selling of less than 1,000 poultry or poultry products for human food within one calendar year, pursuant to ORS 603.038.

(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 or a farm used for an establishment for the slaughter, processing or selling of more than 1,000 poultry or poultry products within a calendar year 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) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use;

(iii) A processing facility or establishment must comply with applicable requirements in LC 16.212(10)(a) through (e) below, to the extent they do not prohibit the siting of the processing facility; and

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

(i) Utility facilities and transmission lines necessary for public service.

(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:

(aa) 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:

(A) Technical and engineering feasibility;

(B) 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;

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

(D) Availability of existing rights of way;

(E) Public health and safety; and

(F) Other requirements of state and federal agencies.

(bb) 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.

(cc) 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;

(dd) 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;

(ee) 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;

(ffi) 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;

(ggi) 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;

(hh) 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

(ii) 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.

(ii) An associated transmission line that is necessary for public service that meets either the requirements of LC16.212(4)(i)(ii)(aa) or (bb) below:

(aa) The entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in LC16.212(2)(e), or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;

(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(bb) After an evaluation of reasonable alternatives, the entire route of the associated transmission line meets two or more of (A) through (E) below and LC 16.212(10)(f) and (g) below. The Approval Authority may consider costs associated with any of the factors listed in LC16.212(4)(i)(ii)(bb)(A) through (E) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

(A) Technical and engineering feasibility;

(B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as

defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies;

(F) The applicant shall present findings to the county on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(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) New uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding 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.

(v) LC 16.212(4)(q)(vi) and (vii) below apply only to applications to:

(aa) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

(bb) Allow an existing disposal site for composting that sells, or offers for sale, resulting product to add or increase the following uses (i-i) and (ii-ii) below:

(i-i) Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or

(ii-ii) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

(vi) Prior to submittal of a special use permit, the Applicant must request and attend a pre-application conference with the county pursuant to the following:

(aa) The applicant must submit a completed pre-application conference application form with the associated fee. The submittal must contain

information about the proposed/existing disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(bb) The county shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.

(cc) A representative of the planning department of the county and a representative of the Department of Environmental Quality will attend the conference along with representatives, as determined necessary by the county, of the following entities:

(i-i) Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting.

(ii-ii) A state agency, a local government or a private entity that provides or would provide to the proposed disposal site for composting one or more of the following:

(aaa) Water systems.

(bbb) Wastewater collection and treatment systems, including storm drainage systems.

(ccc) Transportation systems or transit services.

(iii-iii) A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting.

(iv-iv) The Department of Land Conservation and Development.

(vi-vi) The State Department of Agriculture.

(vii) After the pre-application conference and before submittal of a special use permit, the Applicant must hold a pre-application community meeting pursuant to the following standards:

(aa) Hold a community meeting within 60 days after the preapplication conference:

(i-i) In a public location within Lane County; and

(ii-ii) On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6 p.m. and 8 p.m.

(bb) Provide notice of the community meeting to:

(i-i) The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;

(ii-ii) Residents or occupants that receive mail at the mailing address of the real property described in LC 16.212(4)(q)(bb)(i-i) above if the mailing address of the owner of record is not the mailing address of the real property;

(iii-iii) Neighborhood and community organizations recognized by the Board if a boundary of the organization is within one-half mile of the proposed disposal site for composting;

(iv-iv) A newspaper of general circulation for publication;

(v-v) Local media in a press release; and

(vi-vi) The entities described in LC 16.212(4)(q)(iv)(cc) above.

(cc) The applicant's notice provided under LC16.212(4)(q)(v)(bb) above of this section must include:

(i-i) A brief description of the proposed disposal site for composting;

(ii-ii) The address of the location of the community meeting; and

(iii-iii) The date and time of the community meeting.

(dd) During the community meeting, the applicant must provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(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)(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 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 complies with LC 16.212(12)(a)(i), (ii), and (iii) or LC 16.212(12)(b)(i), (ii), and (iii).

(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 or 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) Event or activities authorized under LC 16.212(4)(o-o) shall not be allowed at a winery which conducts events or uses authorized under LC 16.212(12) below.

(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 will not be given unless any additional taxes imposed on the change in use have been paid. On January 2, 2024, the provisions in LC 16.212(5)(a) and (b) (adopted to enact HB 2746) will sunset and the previous replacement dwelling provision will be reintroduced unless otherwise acted upon by the legislature (Ordinance No. _____).

(a) The alteration, restoration, or replacement in the same site 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; and

(cc) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(ii) The dwelling has:

(aa) intact exterior walls and roof structure; and

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling is to be sited in the same site as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as an area within 250 feet from the perimeter of the footprint of the established dwelling;

(iv) In the case of replacement, the dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive

nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(v) A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot be applied in a manner that prohibits the siting of the dwelling;

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) The approval described in LC 16.212(5)(a) above is not subject to LC 14.700 and does not expire.

(ix) If a replacement dwelling approval was issued under LC 16.212(5)(a) and expired prior to January 1, 2014, the approval is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(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 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;

(aa) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(bb) If the value of the dwelling was eliminated from the tax roll as a result of the destruction of the dwelling, provide evidence the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated. Destruction can include by fire, natural hazard, or by a demolition permit.

(cc) If the value of the dwelling was improperly removed from the tax roll by a person other than the current owner, provide evidence. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(ii) The dwelling has or formerly had:

(aa) intact exterior walls and roof structure; and

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced must be removed, demolished, or converted to an allowable nonresidential use within one year of the completion of the replacement dwelling. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.

(aa) The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.

(bb) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

(iv) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section must comply with all applicable siting standards in LC Chapter 16. However, the siting standards cannot 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, must execute and record in Lane County Deeds and Records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The Applicant must obtain the signature of the Director on the release which states 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;

(v) If the dwelling formerly had features described in LC 16.212(5)(b)(ii), was removed from the tax roll as described in LC 16.212(5)(b)(i)(bb) or (cc), or has a replacement dwelling permit that expired before January 1, 2014, then the replacement dwelling must comply with the following:

(aa) Be sited on the same lot or parcel; and

(bb) Use all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel as permitted by LC Chapters 15 and 16; and

(cc) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, site dwelling within a concentration or cluster of structures or within 500 yards of another structure.

(vi) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vii) LC 16.212(10)(h) below; and

(viii) Land use approval of a decision described in LC 16.212(2)(b) above is not subject to LC 14.700 and does not expire.

(ix) If a replacement dwelling decision was issued under LC 16.212(5)(b) and expired prior to January 1, 2014, the decision is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) A relative farm help dwelling. 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 215.278 for accessory dwellings for farm workers, 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.

<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:

(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;

(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).

(12) Wineries. The purpose of LC 16.212(12) below is to provide for the establishment of a winery on a suitable property within the Exclusive Farm Use Zone.

(a) Facilities producing less than 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use under LC 16.212(12)(a)(i)(aa) or (bb) below, and complies with LC 16.212(12)(c) below:

(aa) The facility produces wine with a maximum annual production of less than 50,000 gallons and:

(A) Owns an on-site vineyard of at least 15 acres;

(B) Owns a contiguous vineyard of at least 15 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or

(D) Obtains grapes from any combination of the LC 16.212(12)(a)(i)(aa)(A) through (C) above.

(bb) The facility produces wine with a maximum annual production of at least 50,000 gallons and:

(A) Owns an on-site vineyard of at least 40 acres;

(B) Owns a contiguous vineyard of at least 40 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery;

(D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or

(E) Obtains grapes from any combination of the requirements in LC 16.212(12)(a)(i)(bb)(A) through (D) above.

(ii) Permitted Uses. In addition to producing and distributing wine, a winery established under LC 16.212(12)(a)(i) may:

(aa) Market and sell wine produced in conjunction with the winery.

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

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

(cc) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. The events on the first 6 days of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year license, subject to administrative review under the standards set forth in 16.212(12)(a)(ii)(dd)(A) below. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by LC 16.212(12)(a)(iii) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the county may impose conditions on a license related to:

(i-i) The number of event attendees;

(ii-ii) The hours of event operation;

(iii-iii) Access and parking;

(iv-iv) Traffic management;

(v-v) Noise management; and

(vi-vi) Sanitation and solid waste

(B) If the Approval Authority issues a license under LC 16.212(12)(a)(ii)(dd) above for agri-tourism or other commercial events, the county shall

review the license at least once every five years and, if appropriate, may renew the license.

(C) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) 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 on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized LC 16.212(12)(a)(ii)(bb), (cc), or (dd).

(ff) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in LC 16.212(12)(a)(ii)(cc) above. Food and beverage services authorized under LC 16.212(12)(a)(ii)(ee) above may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(a)(ii)(cc) through (ee) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income by third parties unaffiliated with the winery.

(hh) 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(12)(a)(ii)(gg) above for the previous tax year;

(iii) Special Uses – Director Approval:

(aa) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year permit submitted pursuant to LC 14.050, subject to review and notice pursuant to LC 14.100 and subject to the standards in LC 16.212(12)(a)(iii)(aa)(A) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the Approval Authority may impose conditions on a permit related to:

- (i-i) The number of event attendees;
- (ii-ii) The hours of event operation;
- (iii-iii) Access and parking;
- (iv-iv) Traffic management;
- (v-v) Noise management; and
- (vi-vi) Sanitation and solid waste;

(B) If the Approval Authority issues a permit under LC 16.212(12)(a)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(C) Complies with requirements of LC 16.212(12)(c) below.

(bb) Notwithstanding LC 16.212(12)(c)(ii)(bb) below, a setback of less than 100 feet may be permitted at the Approval Authority's discretion 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.

(b) Facilities producing at least 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use if it 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 this LC 16.212(12)(b) and complies with the standards of LC 16.212(12)(c) below; and

(aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and

(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(12)(b)(i)(aa) above;

(ii) Permitted Uses. In addition to producing and distributing wine, a winery described in subsection (b) of this section may:

(aa) Market and sell wine produced in conjunction with the winery;

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

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

(cc) Provide services, including agri-tourism or other commercial 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;

and

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) 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:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized by LC 16.212(12)(b)(ii)(bb), (cc), or (dd).

(ff) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery is limited to operating a restaurant that is open to the public for no more than 25 days in a calendar year. Except under LC 16.212(12)(b)(iii)(aa) below. A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(12)(b)(i) above.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(b)(ii)(cc) and (dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(hh) At the request of Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(b)(ii)(ff) above for the previous tax year.

(iii) Special Uses – Director Approval:

(aa) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism and other commercial events occurring on more than 25 days in a calendar year must demonstrate that the restaurant or agri-tourism and other commercial events comply with the following standards:

(A) LC 16.212(10)(f) and (g) below;

(B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(C) Does not materially alter the stability of the land use pattern in the area.

(D) Application is submitted pursuant to LC 14.050, subject to review and notice pursuant LC 14.100.

(E) If the Approval Authority issues a permit under LC 16.212(12)(b)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority will review the permit at least once every five years and, if appropriate, may renew the permit;

(F) Complies with requirements of LC 16.212(12)(c) below.

(bb) Sales or delivery of items or providing services not described in LC 16.212(12)(b)(ii)(bb) or (cc) or (gg) above may be authorized under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above.

(cc) The Approval Authority may issue a permit for a winery operating under LC 16.212(12)(b) 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(12)(b) in similar circumstances before August 2, 2011.

(c) Additional Requirements:

(i) Prior to the establishment of a winery under LC 16.212(12)(a) or (b) above, the applicant must show that vineyards described in LC 16.212(12)(a)(i) or (12)(b)(i) above have been planted or that the contract has been executed, as applicable.

(ii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above must demonstrate compliance with the following standards:

(aa) The winery provides 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 must be setback at least 100 feet from all property lines;

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

(iii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above shall comply with:

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

(bb) Regulations of general applicability for the public health and safety; and

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

(iv) Wineries that conduct agri-tourism or other commercial events under LC 16.212(4)(o-o) may not conduct agri-tourism or other commercial events or activities authorized by LC 16.212(12).

(v) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that existed on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(12)(a)(ii)(gg) or LC 16.212(12)(b)(ii)(gg) 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.

(vi) 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. This does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(vii) A winery established under LC 16.212(12) 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(12)(a)(i) and (b)(i) except the annual production requirements.

(viii) When a Bed and Breakfast Accommodation Home Occupation facility is located on the same tract as a winery approved under LC 16.212(12) the facility may prepare and serve 2 meals per day to the registered guests. These meals may be served at the bed and breakfast facility or at the winery.

(ix) The Approval Authority may authorize the siting of a winery, on land used Exclusive Farm Use, pursuant to the standards that apply to a commercial activity in conjunction with farm use under LC 16.212(4)(c) if the winery does not qualify for siting under LC 16.212(12) above or seeks to carry out uses or activities that are not authorized LC 16.212(12)(a) or (b) above.

(aa) If the Approval Authority authorizes the establishment of a winery under LC 16.212(4)(c), the gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery.

(x) As used in this section:

(aa) “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

(bb) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone. *(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; 7-12, 12.28.12)*

**FLOODPLAIN COMBINING ZONE (/FP-RCP)
RURAL COMPREHENSIVE PLAN**

16.244 Floodplain Combining Zone (/FP-RCP).

(1) Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this section are designed to:

- (a) Protect human life and health.
- (b) Minimize expenditure of public money and costly flood control projects.
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (d) Minimize prolonged business interruptions.
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazards.
- (f) Help maintain a stable tax base by providing for the sound use and development of areas as special flood hazard so as to minimize future flood blight areas.
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) Methods of Reducing Flood Losses. In order to accomplish its purpose, this section includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- (d) Controlling filling, grading, dredging and other development, which may increase flood damage.
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(3) Lands to Which This Section Applies. This section shall apply to all areas of flood hazard within Lane County, and overlay the regulations of the underlying zone.

(a) Areas of flood hazard for Lane County under the jurisdiction of the Rural Comprehensive Plan are identified by the Federal Insurance Administration in a scientific and engineering report entitled "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON UNINCORPORATED AREAS", with accompanying Flood Insurance Rate Maps.

(b) Areas of flood hazard shall also include any land area designated by the Director as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.

(c) Flood hazard areas shall be adopted by Board Order, made a part of Lane Manual (LM 11.020) and filed in the office of the Department. Such studies shall form the basis for the administration and implementation of this section.

(4) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or

natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(5) Development Subject to Director Approval. Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, and "development" as this term is defined in LC 16.244(6). Application for approval shall be filed with the Department pursuant to LC 14.050.

(6) Definitions. Except as otherwise provided in LC 16.244, the definitions below shall be used for LC 16.244.

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

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

Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

Development. For the purposes of LC 16.244, development is defined in LC 16.090, and shall include dredging, paving, and drilling operations and the storage of equipment and materials.

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).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

Flood Elevation Determination. A determination by the Director 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.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administrations that includes flood profiles and the water surface elevation of the base flood.

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 more than one foot.

Start of Construction. For the purposes of LC 16.244, the start of construction is defined in LC 16.090, and shall include the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the 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.

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 correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum 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.

(7) Requirements of the Director. The Director shall:

(a) Review all development applications to determine that the permit requirements of this section have been satisfied.

(b) Review all development applications to determine that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.

(c) Review all development applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of LC 16.244(8)(d) are met.

(d) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer this section.

(e) Where base flood elevation data is provided through the Flood Insurance Study or required as in LC 16.244(7)(d), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(f) For all new or substantially improved flood-proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and

(ii) Maintain the flood-proofing certifications required for elevation of nonresidential construction in zones A1-10, AH and AE.

(g) Maintain for public inspection all records pertaining to the Provisions of this section.

(h) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(i) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

(j) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the Hearings Official as provided in LC 14.500.

(k) Record a notice of designation of substantial damage to a residential structure at Lane County Deeds and Records when the residential structure meets (i) and (ii) below. This form will be provided by the Director. Once the structure has been brought into compliance and at the request of the property owner, the Director is required to sign a notice of remedy of substantial damage that is recorded at Lane County Deeds and Records. The notice of remedy will declare the previously recorded notice of substantial damage void.

(i) Has sustained substantial damage; and

(ii) Has not been brought into compliance with LC 16.244.

(8) Provisions for Flood Hazard Reduction. In all areas of flood hazard, the following standards are required:

(a) Provisions applicable to Unnumbered A, A1-10, AH and AE zones:

(i) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(iii) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building and manufactured home placement permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include the use of historical data, high water marks, photographs of past flooding, etc., where available.

(c) Floodways. Located within areas of special flood hazard established in LC 16.244(3) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(i) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This

evidence shall utilize hydrologic and hydraulic analyses performed in accordance with standard engineering practices.

(ii) Where base flood elevations have been provided but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(iii) If LC 16.244(8)(c)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions for development in zones A1-30, AH and AE.

(iv) Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway.

(d) Development in areas of special flood hazard shall also comply with the provisions in *Table 1: Provisions for Flood Hazard Reduction*.

Table 1: Provisions for Flood Hazard Reduction

Flood Zone	Foundations and Anchoring
Unnumbered A	(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure. (2) All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.
A1-30, AH and AE	(1) All new construction and substantial improvements subject to less than 18 inches of flood water during a 100-year flood shall be anchored to prevent flotation, collapse and lateral movement. (2) All manufactured homes subject to less than 18 inches of flood water during a 100-year flood shall be anchored and/or supported to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard. (3) All new construction, substantial improvements and manufactured homes not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood, shall be anchored to prevent flotation, collapse, and lateral movement which may reasonably occur independently or combined. Designs for meeting this requirement shall be certified by an Oregon registered engineer or architect. (4) All manufactured homes in existing manufactured home parks and existing manufactured home subdivisions shall be anchored to prevent flotation, collapse, and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard. (5) Foundations for all new construction, substantial improvements, and manufactured homes that are not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood or located within a designated floodway, shall be certified by an Oregon registered professional engineer or architect to meet the following minimum foundation

	requirements: (a) concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted. (b) footings extending below the frost line. (c) reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined. (6) All Manufactured homes located in an existing manufactured home park or existing manufactured home subdivision shall be supported in accordance with the State of Oregon, Manufactured Dwelling Standard.
Flood Zone	Utilities
Unnumbered A	(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and (3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.
A1-30, AH and AE	(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Public water systems which utilize wells for a source(s) shall be constructed such that the top well elevation is at least one foot above the 100-year flood elevation. (2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. (3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.
Flood Zone	Elevation: Residential
Unnumbered A	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the highest adjacent grade. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."
A1-30, AH and AE	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."
Flood Zone	Elevation: Nonresidential
Unnumbered A	New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest

	floor, including basement, elevated two feet above grade; or, together with attendant utility and sanitary facilities, shall be flood-proofed to a level two feet above the highest adjacent grade, so the structure is watertight with walls substantially impermeable to the passage of water.
A1-30, AH and AE	New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall: (a) be flood-proofed to one foot above the base flood level, so the structure is watertight with walls substantially impermeable to the passage of water; (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; (c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in LC 16.244(7)(f)(ii). Nonresidential structures that are elevated, not flood-proofed, must meet the same standards as residential construction of fully enclosed areas below the lowest floor in zones A1-30, AH and AE. (d) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
Flood Zone	Elevation of Manufactured Homes
Unnumbered A	(1) All manufactured homes not in an existing manufactured home park or subdivision shall have the lowest floor elevated two feet above the highest adjacent grade. (2) All manufactured homes within an existing manufactured home park or subdivision shall be elevated such that the underside of the floor of the manufactured home is three feet above the finish grade.
A1-30, AH and AE	(1) All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE, (i) on sites outside of a manufactured home park or subdivision, (ii) on sites in a new manufactured home park or subdivision, (iii) on sites in an expansion to an existing manufactured home park or subdivision, or (iv) on sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the underside of the floor of the manufactured home is elevated to a height of

	one foot above the base flood elevation. (2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park that are not subject to the provisions of LC 16.244(8)(d), paragraph (1) "Elevation of Manufactured Homes in Flood Zone A1-30, AH and AE" shall be elevated so that either (i) the underside of the floor of the manufactured home is one foot above the base flood level, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
Flood Zone	Elevation of Recreational Vehicles
A1-30, AH and AE	Recreational vehicles shall (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) shall satisfy the permit requirements of LC 16.244(5) and the requirements for elevation of manufactured homes in zones A1-30, AH and AE and be anchored to prevent flotation, collapse, and lateral movement. "Ready for highway use" means that the recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
Flood Zone	Enclosed Areas
Unnumbered A	Fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria: (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. (b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other. (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
A1-30, AH and AE	For residential construction, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces in exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.

	(b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other. (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
Flood Zone	Roads
Unnumbered A	Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.
A1-30, AH and AE	(1) Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding. (2) No road surface of any new street, road or access road shall be at an elevation less than one foot below the base flood height.
Flood Zone	Subdivisions and Partitions
Unnumbered A	(1) All subdivision proposals shall be consistent with the need to minimize flood damage; (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
A1-30, AH and AE	(1) All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage. (2) All subdivision proposals shall have adequate drainage to reduce exposure to flood damage, including returning water. (3) 100-year flood elevation data shall be provided and shown on final partition maps and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat. (4) A permanent monument shall be established and maintained on land partitioned or subdivided showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat. (5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(9) Emergency Permits. The Director may issue an emergency permit orally or in writing:

(a) If issued orally, a written permit shall follow within five days confirming the issuance and setting forth the conditions of operation.

(b) Emergency permits may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.

(c) A representative of Lane County may inspect the project site to verify that an emergency condition exists and that the emergency action will not significantly impact water resources.

(d) Emergency permits shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.

(e) The emergency permit shall be circulated for public information within 10 days of issuance.

(f) The Director shall condition emergency permits to protect and conserve the waters of this County.

(10) Variance Procedures.

(a) Scope. Variance to a requirement standard or procedure of this section, with respect to the provisions for flood hazard reduction, may be approved by the Director if an application is submitted, reviewed and approved pursuant to the criteria for approving variances in LC 16.256, and the application complies with the additional criteria listed below.

(i) Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.

(ii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions. Reasonable conditions may be established in connection with a variance as deemed necessary to secure the purpose and requirements of this section. In cases where a variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant, that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation of flood-proofing. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 3-91, 5.17.91; 2-98, 4.8.98; 1-07, 3.23.07)*

**NONCONFORMING USES
RURAL COMPREHENSIVE PLAN**

16.251 Nonconforming Uses.

Except as is hereinafter provided in this Chapter, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Chapter or at the time of a change in the official zoning maps may be continued although such use does not conform with the provisions of this Chapter.

(1) Verification of Nonconforming Use. The verification of a nonconforming use may be obtained subject to Director approval pursuant to LC 14.100. Verification of a nonconforming use is required prior to requesting approval to increase, restore, alter or repair a nonconforming use. When evaluating a request for verification, the following criteria shall apply:

(a) To be valid, a nonconforming use must have been lawfully established prior to the enactment of an ordinance restricting or prohibiting the use.

(b) The use must have been in actual existence prior to the enactment of an ordinance restricting or prohibiting the use or have proceeded so far toward completion that a right to complete and maintain the use is deemed to have vested in the landowner.

(c) The nonuse of a nonconforming use of a structure or property for a period in excess of one year will prohibit the resumption of the nonconforming use. The burden of proof for the verification of a nonconforming use is upon the applicant.

(2) Change in Nonconforming Use. A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

(3) Increase of Nonconforming Use. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter may be granted subject to Director approval pursuant to LC 14.100.

(4) Vested Right. Nothing contained in this Chapter shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Chapter, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time construction was commenced.

(5) Discontinuance of Nonconforming Use. When a non-conforming use of a structure or property is discontinued for a period in excess of one year, the structure or property shall not thereafter be used, except in conformance with the zone in which it is located. (Revised by Ordinance 7-87, 6.17.87; 4-91, 5.17.91)

(6) Unlawful Use of a Nonconforming Use. No unlawful use of property existing at the time of passage of this Chapter shall be deemed a nonconforming use.

(7) Restoration of Nonconforming Building or Structure.

(a) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed; provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion and verification of the nonconforming use has been obtained.

(b) The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.

(8) Conveyance of Nonconforming Use. Nothing in this Chapter shall be construed to limit the sale, transfer, other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer or other conveyance does not otherwise violate the provisions of this Chapter.

(9) Restoration of Conforming Use on Nonconforming Lot. Nothing in this Chapter shall be construed to prevent the reconstruction or replacement of a preexisting building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Chapter.

(10) Repairs of a Nonconforming Use. Repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to Director approval pursuant to LC 14.100 and consistent with the intent of ORS 215.130(5-8) and shall be evaluated pursuant to criteria expressed in LC 16.251(12) below.

(11) Alterations of a Nonconforming Use. Alterations of a nonconforming use may be permitted to continue the use in a reasonable manner subject to Director approval pursuant to LC 14.100 and consistent with the intent of ORS 215.130(9), and be evaluated pursuant to criteria expressed in LC 16.251(12) below. Alteration of any such use must be permitted when necessary to comply with any lawful requirement for alteration in the use.

(12) Criteria for Decision. When evaluating a proposal for increase, restoration, alteration or repair, the following criteria shall apply:

(a) The change in the use will be of no greater adverse impact to the neighborhood.

(b) The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood.

(c) Other provisions of this Chapter, such as property development standards, are met.

(13) Conditions of Approval. In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:

(a) Special yards and spaces.

(b) Fences and walls.

(c) Special parking and/or loading provisions.

(d) Street dedication and improvements or bonds in lieu of improvements.

(e) Control of points of vehicular ingress and egress.

(f) Special provisions for signs.

(g) Landscaping and the maintenance of grounds.

(h) Control of noise, vibration, odors or other similar nuisances.

(i) Limitation of time for certain activities.

(j) A time period in which a proposed use shall be developed.

(k) A limit of total duration of use. *(Revised by Ordinance 7-87, Effective 6.17.87; 4-91, 5.17.91)*

**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 minor home occupation and/or a home office that comply with these conditions:

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

(ii) The minor 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 minor 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 minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor 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 minor 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 minor 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 minor 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 minor 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 minor 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 minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor 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 minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor 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 minor 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) Residential Accessory Structures and Uses. 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 and or animal or pet shelters.

(u) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, which could include a toilet or bathroom, and that complies with these requirements:

(i) The total floor area of the structure is no more than 850 square feet;

(ii) The structure does not contain a kitchen.

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

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

(v) The structure shall not have an address.

(3) Home Occupation. A home occupation is allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance of the home occupation 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 home occupation on their Rural Residential zoned land;

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

(iii) To recognize the uniqueness of each home occupation 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 home occupation. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; 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 home occupation; 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 home occupation 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 home occupation shall not exceed:

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

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

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not

necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

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

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

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

(a) Feeding, breeding and management of livestock, poultry, or fur bearing animals in excess of the standards in LC 16.290(2)(i) above.

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

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

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

(e) Radio and television transmission facilities.

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

(g) An onsite sewage disposal system for a non-residential use on a nearby property in a rural zone.

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

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

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

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

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

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

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

(i) Shall be located at least:

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

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

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

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

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and

mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

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

(n) Golf courses.

(o) Lodges and grange halls that:

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

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

(p) Parks, playgrounds, community centers.

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

(r) Storage facilities for boats and recreational vehicles.

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

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

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

(aa) Goods or services traded from the site;

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

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

(dd) Intensity of land use of the site.

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

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

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

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

(u) Stables, riding academies or commercial riding.

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

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

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

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

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

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

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

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 918-600.

(d) 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 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area 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.

(f) Height. None.

(g) Signs.

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

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

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

(h) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12)*

Findings of Fact In Support of Ordinance No. 14-08

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.

***LC 16.252 Procedures for Zoning, Re-zoning, and Amendments to Requirements.
(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.***

Finding

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 Chapter 16. The proposed amendments will provide clarity and consistency with state law.

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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 **or forest operation** and used ~~in the operation of the farm~~ for:

(i) Storage, maintenance or repair of farm **or forestry** machinery and equipment;

(ii) The raising, harvesting and selling of crops **or forest products**;

(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, **forestry** 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, **the preparation and storage of forest products** and **the** disposal by marketing or otherwise, **of farm product or forest products**.

(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.

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(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.

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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.~~ **Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery.** Bed and Breakfast **Accommodation** ~~shall be considered is~~ a Home Occupation where not specifically listed as a permitted or conditionally permitted use. **If the Bed and Breakfast Accommodation is located on the same tract as a Winery, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery.**

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.

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- (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

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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.

Compost. The controlled biological decomposition of organic material or the product resulting from such a process.

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.

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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.

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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.

Disposal site. For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

(1) “Disposal site” does not include:

(A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

(C) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;

(D) A site operated by a dismantler issued a certificate under ORS 822.110; or

(E) A site used for the storage of dredged materials.

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.

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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

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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.

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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

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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

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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 (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

(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,

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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.

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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

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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.

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(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

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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

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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.

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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 sewerage 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.

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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

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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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(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.

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

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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; 7-12, 12.28.12)*

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**NONIMPACTED FOREST LANDS ZONE (F-1, RCP)
RURAL COMPREHENSIVE PLAN**

16.210 Nonimpacted Forest Lands Zone (F-1, RCP).

(1) Purpose. The purpose of the Nonimpacted Forest Lands District (F-1, RCP) is:

(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.

(b) To conserve forest land for uses consistent with Statewide Planning Goal 4.

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

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any 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 operations.

(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 the land which 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.

(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.

(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) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.210(7)(a)(v) and (7)(c)(i)(aa).

~~(k)~~ Maintenance, repair or replacement of existing dwellings.

~~(l)~~ 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

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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) Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(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) Television, microwave, and radio communication facilities and transmission towers.

(f) Fire stations for rural fire protection.

(g) Utility facilities for the purpose of generating five (5) megawatts or less of power.

(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 distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.

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(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

(n) Home occupations, subject to the following conditions and annual review:

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

(ii) Will employ no more than five full or part-time persons.

(iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of 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 below. Prior to December 31 of each year, 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 one-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 temporary mobile home in conjunction with an existing dwelling or mobile home provided the following requirements are met:

(i) A resident of the existing dwelling or mobile home and a resident of the temporary mobile home are relatives. "Relative" means grandparent, parent, child, brother, or sister.

(ii) A relative of one of the residences suffers a hardship and needs care from the relative in the other residence.

(iii) Satisfactory evidence of the relative's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the relative's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

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(bb) A written statement, on the form provided by the Department, disclosing person with the hardship qualifies as a relative of the person who will provide care.

(iv) The temporary mobile home will be located on the same lot or parcel as the existing dwelling or mobile home.

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home. If the temporary mobile home will use a public sanitary sewer system, use of an on-site sewage disposal system will not be required.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits 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 situations cease.

(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 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) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.210(2) or LC 16.210(3), subject to LC 16.210(5)(d).

(x) Replacement of an intersection with an interchange, subject to LC 16.210(5)(d).

(xi) Continuous median turn lanes, subject to LC 16.210(5)(d).

(xii) Subject to LC 16.210(5)(d), 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 16.210(5)(d), transportation facilities, services and improvements other than those listed in LC 16.210 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.

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(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.210(6)(a) or (b) below, LC 16.210(6)(c)-(f) 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.

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

(t) Permanent facility for the primary processing of forest products.

(u) Disposal site for solid waste approved by Lane County for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

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

(w) 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.

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

(y) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

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

(aa) Temporary forest labor camps.

(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 16.210(5) below are met:

(a) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.210(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.

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(6)(a) or (b), LC 16.210(6)(c)-(f), 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.

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(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.210(3)(a)-(u) 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 16.210(3)(c), (d), (j), (n), (o) and (r), 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) Transportation facilities and uses listed in LC 16.210(3)(q)(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.

(e) For uses authorized above in LC 16.210(4), the proposed uses will not significantly conflict with the livability and appropriate uses on adjacent and nearby lands.

(6)

(76) Siting Standards for Dwelling, Structures and Other Uses. The following siting standards shall apply to all structures and other uses as specified above in LC 16.210**(2)(h), (2)(k)**, (3) and (4). 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 16.210(6)(a) **through-**(b) below shall be weighed together with the requirements in LC 16.210(6)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, **dwelling**s--and structures shall be sited as follows:

(i) Near ~~residences~~**dwelling**s on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope **greater than 40 percent (40%)**; and

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

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(iii) Where possible, when considering LC 16.210(6)(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) 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.~~ **30 feet from all property lines other than those described in LC 16.210(7)(a)(v)(aa) above;**

(cc) **The minimum distance necessary to comply with LC 16.210(7)(a) above and LC 16.210(7)(b) through (d) below.**

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

(c) ~~Fire Safety Measures~~**Siting Standards.** ~~Residences, structures and roads shall comply with the following fire safety measures:~~ **The following fire-siting standards or their equivalent shall apply to new residences, dwellings, or structures:**

(i) ~~Fuel-Free Breaks. Fuel breaks around residences shall be maintained as follows:~~ **The owners of 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 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 **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 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:

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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.

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) 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.~~

(ii) Structural Fire Protection. The 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 is 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 that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured home from fire hazards, consistent with the following standards:

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(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the residential structures in compliance with the standards in LC 16.211(7)(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. ~~Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof. 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 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 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 Department of

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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 **Chapter 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. **For purposes of LC 16.210(7)(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. ~~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 roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(~~76~~)(e). Evidence of compliance with the standards specified in LC 16.210(~~76~~)(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.~~ **only one 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 at least six inches in depth of gravel 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, survey 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.~~

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~~No cul-de-sacs 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.~~ 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 16.210(6)(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% may be allowed for spans not to exceed 100 feet.** An applicant must submit ~~objective evidence 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, ~~or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.~~ **Shorter or longer intervals between turnouts may be authorized by the Planning**

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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 16.210(6)(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. ~~Examples of some possible alternatives to the standards in the above LC 16.210(6)(e)(i) - (vi) are provided below in LC 16.210(6)(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 16.210(6)(e)(i). Hammerhead turn-a rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.210(6)(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 16.210(6)(e)(iv).~~

(87) 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.

~~(8) Area. The minimum area requirement for the division of land shall be as follows:~~

~~(a) 80 acres.~~

~~(b) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow a division of forest land involving a dwelling lawfully existing prior to the date of adoption of this rule provided:~~

~~(i) The new parcel containing the dwelling is no larger than five acres; and~~

~~(ii) The remaining forest parcel, not containing the dwelling, contains 80 acres; or~~

~~(iii) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of LC 16.210(8)(a) above.~~

~~(c) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow uses identified above in: LC 16.210(2)(i); LC 16.210(3)(a) through (k), (t) and (u); and LC 16.210(4)(a) and (b); provided that such uses have been approved in compliance with LC 16.210(5) above.~~

~~(d) 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~~

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~~conservation organization, to purchase one of the resulting parcels as provided in LC 16.210(8)(d)(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 16.210, 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 a dwelling as may be authorized under LC 16.210 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 16.210 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 16.210(8)(d) 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 parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(8)(d)(ii)(aa) and (bb), above. The record shall be readily available to the public.~~

~~_____ (e) Notice of a decision for an application pursuant to LC 16.210(8) above shall occur in compliance with LC 16.100(3).~~

(9) Area. The creation of a new lot or parcel must comply with LC Chapter 13 for the submittal and approval of tentative plans and plats and with the following requirements:

(a) The minimum area requirement for the creation of new lots or parcels for land designated as Nonimpacted Forest Land (F-1) is 80 acres. An exception to this area requirement may be made pursuant to LC 16.210(9)(b)-(f) below;

(b) 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 is not eligible for siting a new dwelling;

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

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(iv) Does not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(aa) Facilitate an exchange of lands involving a governmental agency; or

(bb) 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;

(vi) The land division, cannot be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.210(9)(b) above signs a statement that is 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.

(c) New land divisions less than the 80 acre parcel size required by LC 16.210(9)(a) above are allowed for the uses listed in LC 16.210(2)(i), LC 16.210(3)(a) through (k), LC 16.210(3)(n) and (y), and LC 16.210(4) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.210(2)(i), LC 16.210(3)(a) through (k), LC 16.210(3)(n) and (y), and LC 16.210(4) 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 16.210(9)(c) 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;

(d) A division of a lot or parcel for an existing 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 existing dwelling lawfully existed prior to June 1, 1995;

(iii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(aa) contains at least 80 acres; or

(bb) is 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 16.210(9)(d) above must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with Lane County Deeds and Records. The restriction allows for no dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.210(9)(d) above. This restriction is 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;

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(v) A landowner allowed a land division under LC 16.210(9)(d) above must 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) The Planning Director is required to maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.210(9)(d) above. The record shall be readily available to the public.

(e) 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 16.210(6) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.210(9)(e) 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 16.210(9)(e) above;

(v) A lot or parcel may not be divided under Lane Code 16.210(9)(e) 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 16.210(9)(e) 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 16.210(9)(e) 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 16.210(9)(e)(vii) above. The record shall be readily available to the public.

(f) 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 16.210(9)(f)(i)-(iv), below:

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(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 16.210, the parcel must be large enough to support continued residential use or other allowed use 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) Developing the parcel for any use not authorized in LC 16.210 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 16.210(9)(f) 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 is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(9)(f)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(109) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, 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). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10)*

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PAGES 16-68 THROUGH 16-100
ARE RESERVED FOR FUTURE EXPANSION

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**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.

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(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.

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(n) An agricultural building, as defined in LC 16.090, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use. Placement of the structure must comply with LC 16.211(8)(a)(v) and (8)(c)(i)(aa).

(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

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(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

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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;

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(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~~ **or** big game hunting seasons, **or both**, authorized by the Oregon Fish and Wildlife Commission; and

(iv) ~~Shall~~ **The use does** 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:

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- (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;

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(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

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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:

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(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;

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(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;

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(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.

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(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).

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(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:

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(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:

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(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,

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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

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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.

(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.

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- (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~~ **is not** eligible for siting a new dwelling;

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

(iv) ~~Shall~~**Does** not result in a parcel of less than 35 acres, ~~except unless the purpose of the land division is to:~~

(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 ~~cannot~~ be used to justify the re-designation or rezoning of resource lands; and

~~(viii)~~ A landowner allowed a land division under LC 16.211(10)(a) above ~~shall~~ signs a statement that ~~shall be~~ **is** 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.

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(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~~ cannot 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 **existing** dwelling ~~or manufactured dwelling~~ lawfully existed prior to June 1, 1995;

(iii) The ~~remaining~~ parcel **that does** not containing the dwelling **is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either** ~~or manufactured dwelling shall~~:

(aa) contains at least 80 acres; or

(bb) ~~be is~~ 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~~**must** 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~~**allows for** 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 is~~ 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~~**must** 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~~**is required to** 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

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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.

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(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)~~ **LC 16.211(3)(c)** 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:

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(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:

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(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;

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Bold indicates material being added
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(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; 7-12, 12.28.12)*

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ARE RESERVED FOR FUTURE EXPANSION

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**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:

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(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hult, 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.

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(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~~ **Wineries that comply with LC 16.212(12)(a)(i) and (ii) or LC 16.212(12)(b)(i) and (ii):**

~~(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;~~

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~~(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~~

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~~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.~~

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~~(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.

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(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.

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(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings and facilities **associated with a site for the takeoff and landing of model aircraft shall must** 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~~ **can** 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).

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(x) Dog training classes or testing trials, which may be conducted outdoors or in ~~preexisting~~ farm buildings **that existed on January 1, 2013**, 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.

(y) The slaughter, processing or selling of less than 1,000 poultry or poultry products for human food within one calendar year, pursuant to ORS 603.038.

(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

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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 **or a farm used for an establishment for the slaughter,**

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processing or selling of more than 1,000 poultry or poultry products within a calendar year 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~~**If a building is established or used** for the processing facility **or establishment, the farm operator may not devote more than** ~~shall not exceed~~ 10,000 square feet of floor area **to the processing facility or establishment,** 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 **or establishment must** ~~shall~~ comply with applicable requirements in LC 16.212(10)(a) through (e) below, **to the extent they do not prohibit.** ~~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~~ **may** not be approved that separates the processing facility **or establishment** -from the farm operation on which it is located.

(i) **Utility facilities and transmission lines necessary for public service.**

(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:

~~(aai)~~ 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:

~~(Aaa)~~ Technical and engineering feasibility;

~~(Bbb)~~ 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;

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

~~(Ddd)~~ Availability of existing rights of way;

~~(Eee)~~ Public health and safety; and

~~(Fff)~~ Other requirements of state and federal agencies.

~~(bbii)~~ 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.

~~(cciii)~~ 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

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requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

~~(ddiv)~~ 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;

~~(eev)~~ 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;

~~(ffvi)~~ 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;

~~(ggvi)~~ 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;

~~(hhviii)~~ 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

~~(iiix)~~ 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.

(ii) An associated transmission line that is necessary for public service that meets either the requirements of LC16.212(4)(i)(ii)(aa) or (bb) below:

(aa) The entire route of the associated transmission line meets at least one of the following requirements:

(A) The associated transmission line is not located on high-value farmland, as defined in LC16.212(2)(e), or on arable land;

(B) The associated transmission line is co-located with an existing transmission line;

(C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

(bb) After an evaluation of reasonable alternatives, the entire route of the associated transmission line meets two or more of (A) through (E) below and LC 16.212(10)(f) and (g) below. The Approval Authority may consider costs associated with any of the factors listed in LC16.212(4)(i)(ii)(bb)(A) through (E) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

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(A) Technical and engineering feasibility;
(B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(D) Public health and safety; or

(E) Other requirements of state or federal agencies;

(F) The applicant shall present findings to the county on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(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;

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(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.

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(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.

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(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) **New** ~~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

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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.

(v) LC16.212(4)(q)(vi) and (vii) below apply only to applications

to:

(aa) Establish a disposal site for composting that sells, or offers for sale, resulting product; or

(bb) Allow an existing disposal site for composting that sells, or offers for sale, resulting product to add or increase the following uses (i-i) and (ii-ii) below:

(i-i) Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or

(ii-ii) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

(vi) Prior to submittal of a special use permit, the Applicant must request and attend a pre-application conference with the county pursuant to the following:

(aa) The applicant must submit a completed pre-application conference application form with the associated fee. The submittal must contain information about the proposed/existing disposal site for composting and proposed operations for composting and respond to questions about the site and operations.

(bb) The county shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.

(cc) A representative of the planning department of the county and a representative of the Department of Environmental Quality will attend the conference along with representatives, as determined necessary by the county, of the following entities:

(i-i) Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting.

(ii-ii) A state agency, a local government or a private entity that provides or would provide to the proposed disposal site for composting one or more of the following:

(aaa) Water systems.

(bbb) Wastewater collection and treatment systems, including storm drainage systems.

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(ccc) ~~Transportation systems or transit services.~~

(iii-iii) ~~A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting.~~

(iv-iv) ~~The Department of Land Conservation and Development.~~

(vi-vi) ~~The State Department of Agriculture.~~

(vii) ~~After the pre-application conference and before submittal of a special use permit, the Applicant must hold a pre-application community meeting pursuant to the following standards:~~

(aa) ~~Hold a community meeting within 60 days after the preapplication conference:~~

(i-i) ~~In a public location within Lane County; and~~

(ii-ii) ~~On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6 p.m. and 8 p.m.~~

(bb) ~~Provide notice of the community meeting to:~~

(i-i) ~~The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;~~

(ii-ii) ~~Residents or occupants that receive mail at the mailing address of the real property described in LC 16.212(4)(q)(bb)(i-i) above if the mailing address of the owner of record is not the mailing address of the real property;~~

(iii-iii) ~~Neighborhood and community organizations recognized by the Board if a boundary of the organization is within one-half mile of the proposed disposal site for composting;~~

(iv-iv) ~~A newspaper of general circulation for publication;~~

(v-v) ~~Local media in a press release; and~~

(vi-vi) ~~The entities described in LC 16.212(4)(q)(iv)(cc) above.~~

(cc) ~~The applicant's notice provided under LC16.212(4)(q)(v)(bb) above of this section must include:~~

(i-i) ~~A brief description of the proposed disposal site for composting;~~

(ii-ii) ~~The address of the location of the community meeting; and~~

(iii-iii) ~~The date and time of the community meeting.~~

(dd) ~~During the community meeting, the applicant must provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.~~

(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~~

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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.

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(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

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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 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;

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(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-

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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

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(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;

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(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.

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(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

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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 **complies with LC 16.212(12)(a)(i), (ii), and (iii) or LC 16.212(12)(b)(i), (ii), and (iii).** ~~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.~~

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~~(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~~

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~~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.

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(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 or 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.~~ **Event or activities authorized under LC 16.212(4)(o-o) shall not be allowed at a winery which conducts events or uses authorized under LC 16.212(12) below.**

(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~~**will** not be given unless any additional taxes imposed on the change in use have been paid. **On January 2, 2024, the provisions in**

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LC 16.212(5)(a) and (b) (adopted to enact HB 2746) will sunset and the previous replacement dwelling provision will be reintroduced unless otherwise acted upon by the legislature (Ordinance No.).

(a) The alteration, restoration, or replacement in the same ~~location~~ **site** 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; **and**

(cc) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(ii) The dwelling has:

(aa) intact exterior walls and roof structure; **and**

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling ~~shall is to~~ be sited in the same ~~location~~ **site** as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as **an area within 250 feet from the perimeter of the footprint of the established dwelling** ~~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~~ **must** be removed, demolished, or converted to an allowable nonresidential use within ~~three months~~ **one year** of the completion of the replacement dwelling. **If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.**

(aa) **The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.**

(bb) **If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.**

(v) A dwelling established under this section ~~shall~~ **must** comply with all applicable siting standards in LC Chapter 16. However, the siting standards ~~shall~~ **cannot** be applied in a manner that prohibits the siting of the dwelling;

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(~~viv~~) 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 The 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) is not subject to LC 14.700 and does not expire.~~

(ix) If a replacement dwelling approval was issued under LC 16.212(5)(a) and expired prior to January 1, 2014, the approval is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(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;

(aa) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

(bb) If the value of the dwelling was eliminated from the tax roll as a result of the destruction of the dwelling, provide evidence the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated. Destruction can include by fire, natural hazard, or by a demolition permit.

(cc) If the value of the dwelling was improperly removed from the tax roll by a person other than the current owner, provide evidence. "Improperly removed" means that the dwelling has taxable value in its present

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state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(ii) The dwelling has **or formerly had**:

(aa) intact exterior walls and roof structure; **and**

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced ~~shall~~ **must** be removed, demolished, or converted to an allowable nonresidential use within ~~three months~~ **one year** of the completion of the replacement dwelling. **If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the county may require the structure to be removed, demolished, or converted before a date set by the county that is not less than 90 days after the replacement permit is issued.**

(aa) **The applicant must record a statement at Lane County Deeds and Records that the dwelling to be replaced has been removed, demolished, or converted.**

(bb) **If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.**

(iv) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section ~~shall~~**must** comply with all applicable siting standards in LC Chapter 16. However, the siting standards ~~shall~~ **cannot** 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~~ **must** execute and record in ~~the~~ **Lane County Deeds and Records** a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed ~~shall be~~ **is** 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 Applicant~~ **must obtain the signature of the Director on the release which** states 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;

(v) **If the dwelling formerly had features described in LC 16.212(5)(b)(ii), was removed from the tax roll as described in LC 16.212(5)(b)(i)(bb) or (cc), or has a replacement dwelling permit that expired before January 1, 2014, then the replacement dwelling must comply with the following:**

(aa) **Be sited on the same lot or parcel; and**

(bb) **Use all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel as permitted by LC Chapters 15 and 16; and**

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(cc) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, site dwelling within a concentration or cluster of structures or within 500 yards of another structure.

~~(viiiv)~~ 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.~~

~~(viiiv)~~ LC 16.212(10)(h) below; and

~~(viiiivii) Land use approval of a permit decision 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) is not subject to LC 14.700 and does not expire.~~

(ix) If a replacement dwelling decision was issued under LC 16.212(5)(b) and expired prior to January 1, 2014, the decision is to be deemed valid and effective if prior to January 1, 2015, the applicant:

(aa) Removes, demolishes or converts the dwelling to be replaced to an allowable nonresidential use; and

(bb) Record at Lane County Deeds and Records a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) A relative farm help dwelling. 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

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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;"

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(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 ~~215.278 215.213(1)(f)(1999 Edition)~~ for ~~seasonal farm worker housing~~ **accessory dwellings for farm workers**, 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

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(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

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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

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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

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(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

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(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;

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(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

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(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.

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(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;

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- (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

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(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.

<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

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(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:

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(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;

(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

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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.

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(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.

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(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

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Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Wineries. The purpose of LC 16.212(12) below is to provide for the establishment of a winery on a suitable property within the Exclusive Farm Use Zone.

(a) Facilities producing less than 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use under LC 16.212(12)(a)(i)(aa) or (bb) below, and complies with LC 16.212(12)(c) below:

(aa) The facility produces wine with a maximum annual production of less than 50,000 gallons and:

(A) Owns an on-site vineyard of at least 15 acres;

(B) Owns a contiguous vineyard of at least 15 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or

(D) Obtains grapes from any combination of the LC 16.212(12)(a)(i)(aa)(A) through (C) above.

(bb) The facility produces wine with a maximum annual production of at least 50,000 gallons and:

(A) Owns an on-site vineyard of at least 40 acres;

(B) Owns a contiguous vineyard of at least 40 acres;

(C) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery;

(D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or

(E) Obtains grapes from any combination of the requirements in LC 16.212(12)(a)(i)(bb)(A) through (D) above.

(ii) Permitted Uses. In addition to producing and distributing wine, a winery established under LC 16.212(12)(a)(i) may:

(aa) Market and sell wine produced in conjunction with the winery.

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(B) Wine club activities;

(C) Winemaker luncheons and dinners;

(D) Winery and vineyard tours;

(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(F) Winery staff activities;

(G) Open house promotions of wine produced in conjunction with the winery;

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

(cc) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. The events

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on the first 6 days of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year license, subject to administrative review under the standards set forth in 16.212(12)(a)(ii)(dd)(A) below. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized be LC 16.212(12)(a)(iii) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the county may impose conditions on a license related to:

- (i-i) The number of event attendees;
- (ii-ii) The hours of event operation;
- (iii-iii) Access and parking;
- (iv-iv) Traffic management;
- (v-v) Noise management; and
- (vi-vi) Sanitation and solid waste

(B) If the Approval Authority issues a license under LC 16.212(12)(a)(ii)(dd) above for agri-tourism or other commercial events, the county shall review the license at least once every five years and, if appropriate, may renew the license.

(C) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) 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 on-site retail sale of wine, including food and beverages:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(B) Served in conjunction with an activity authorized LC 16.212(12)(a)(ii)(bb), (cc), or (dd).

(ff) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in LC 16.212(12)(a)(ii)(cc) above. Food and beverage services authorized under LC 16.212(12)(a)(ii)(ee) above may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(a)(ii)(cc) through (ee) above may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income by third parties unaffiliated with the winery.

(hh) 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(12)(a)(ii)(gg) above for the previous tax year;

(iii) Special Uses – Director Approval:

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(aa) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. Events on days 7 through 18 of the 18-day limit per calendar year must be authorized by the Approval Authority through the issuance of a 5 year permit submitted pursuant to LC 14.050, subject to review and notice pursuant to LC 14.100 and subject to the standards in LC 16.212(12)(a)(iii)(aa)(A) below.

(A) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land, the Approval Authority may impose conditions on a permit related to:

- (i-i) The number of event attendees;
- (ii-ii) The hours of event operation;
- (iii-iii) Access and parking;
- (iv-iv) Traffic management;
- (v-v) Noise management; and
- (vi-vi) Sanitation and solid waste;

(B) If the Approval Authority issues a permit under LC 16.212(12)(a)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority shall review the permit at least once every five years and, if appropriate, may renew the permit;

(C) Complies with requirements of LC 16.212(12)(c) below.

(bb) Notwithstanding LC 16.212(12)(c)(ii)(bb) below, a setback of less than 100 feet may be permitted at the Approval Authority's discretion 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.

(b) Facilities producing at least 150,000 gallons of wine annually:

(i) A winery may be established as a permitted use if it 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 this LC 16.212(12)(b) and complies with the standards of LC 16.212(12)(c) below; and

(aa) Owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard; and

(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(12)(b)(i)(aa) above;

(ii) Permitted Uses. In addition to producing and distributing wine, a winery described in subsection (b) of this section may:

(aa) Market and sell wine produced in conjunction with the winery;

(bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

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(A) Wine tastings in a tasting room or other location on the premises occupied by the winery;
(B) Wine club activities;
(C) Winemaker luncheons and dinners;
(D) Winery and vineyard tours;
(E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
(F) Winery staff activities;
(G) Open house promotions of wine produced in conjunction with the winery;
(H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

(cc) Provide services, including agri-tourism or other commercial 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; and

(dd) Host charitable activities for which the winery does not charge a facility rental fee.

(ee) 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:

(A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
(B) Served in conjunction with an activity authorized by LC 16.212(12)(b)(ii)(bb), (cc), or (dd).

(ff) Operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery. The winery is limited to operating a restaurant that is open to the public for no more than 25 days in a calendar year. Except under LC 16.212(12)(b)(iii)(aa) below. A person may not have a substantial ownership interest in more than one winery operating a restaurant under LC 16.212(12)(b)(i) above.

(gg) The gross income of the winery from the sale of incidental items and services provided pursuant to LC 16.212(12)(b)(ii)(cc) and (dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

(hh) At the request of Approval Authority, the winery shall submit a written statement prepared by a certified public accountant that certifies compliance with LC 16.212(12)(b)(ii)(ff) above for the previous tax year.

(iii) Special Uses – Director Approval:

(aa) A winery that operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism and

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other commercial events occurring on more than 25 days in a calendar year must demonstrate that the restaurant or agri-tourism and other commercial events comply with the following standards:

(A) LC 16.212(10)(f) and (g) below;

(B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

(C) Does not materially alter the stability of the land use pattern in the area.

(D) Application is submitted pursuant to LC 14.050, subject to review and notice pursuant LC 14.100.

(E) If the Approval Authority issues a permit under LC 16.212(12)(b)(iii)(aa) above for agri-tourism or other commercial events, the Approval Authority will review the permit at least once every five years and, if appropriate, may renew the permit;

(F) Complies with requirements of LC 16.212(12)(c) below.

(bb) Sales or delivery of items or providing services not described in LC 16.212(12)(b)(ii)(bb) or (cc) or (gg) above may be authorized under the criteria for a commercial activity in conjunction with farm use under LC 16.212(4)(c) above.

(cc) The Approval Authority may issue a permit for a winery operating under LC 16.212(12)(b) 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(12)(b) in similar circumstances before August 2, 2011.

(c) Additional Requirements:

(i) Prior to the establishment of a winery under LC 16.212(12)(a) or (b) above, the applicant must show that vineyards described in LC 16.212(12)(a)(i) or (12)(b)(i) above have been planted or that the contract has been executed, as applicable.

(ii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above must demonstrate compliance with the following standards:

(aa) The winery provides 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 must be setback at least 100 feet from all property lines;

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

(iii) A winery operating under LC 16.212(12)(a)(i) or (12)(b)(i) above shall comply with:

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

(bb) Regulations of general applicability for the public health and safety; and

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

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(iv) Wineries that conduct agri-tourism or other commercial events under LC 16.212(4)(o-o) may not conduct agri-tourism or other commercial events or activities authorized by LC 16.212(12).

(v) A use or structure that was lawfully established at a winery in an exclusive farm use zone and that existed on August 2, 2011, including events and activities that exceed the income limit imposed under LC 16.212(12)(a)(ii)(gg) or LC 16.212(12)(b)(ii)(gg) 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.

(vi) 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. This does not affect the lawful continuation, alteration, or restoration of the winery sited on the same tract.

(vii) A winery established under LC 16.212(12) 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(12)(a)(i) and (b)(i) except the annual production requirements.

(viii) When a Bed and Breakfast Accommodation Home Occupation facility is located on the same tract as a winery approved under LC 16.212(12) the facility may prepare and serve 2 meals per day to the registered guests. These meals may be served at the bed and breakfast facility or at the winery.

(ix) The Approval Authority may authorize the siting of a winery, on land used Exclusive Farm Use, pursuant to the standards that apply to a commercial activity in conjunction with farm use under LC 16.212(4)(c) if the winery does not qualify for siting under LC 16.212(12) above or seeks to carry out uses or activities that are not authorized LC 16.212(12)(a) or (b) above.

(aa) If the Approval Authority authorizes the establishment of a winery under LC 16.212(4)(c), the gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery.

(x) As used in this section:

(aa) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

(bb) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(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; 7-12, 12.28.12)

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ARE RESERVED FOR FUTURE EXPANSION

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**FLOODPLAIN COMBINING ZONE (/FP-RCP)
RURAL COMPREHENSIVE PLAN**

16.244 Floodplain Combining Zone (/FP-RCP).

(1) Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this section are designed to:

- (a) Protect human life and health.
- (b) Minimize expenditure of public money and costly flood control projects.
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (d) Minimize prolonged business interruptions.
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazards.
- (f) Help maintain a stable tax base by providing for the sound use and development of areas as special flood hazard so as to minimize future flood blight areas.
- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) Methods of Reducing Flood Losses. In order to accomplish its purpose, this section includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- (d) Controlling filling, grading, dredging and other development, which may increase flood damage.
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(3) Lands to Which This Section Applies. This section shall apply to all areas of flood hazard within Lane County, and overlay the regulations of the underlying zone.

(a) Areas of flood hazard for Lane County under the jurisdiction of the Rural Comprehensive Plan are identified by the Federal Insurance Administration in a scientific and engineering report entitled "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON UNINCORPORATED AREAS", with accompanying Flood Insurance Rate Maps.

(b) Areas of flood hazard shall also include any land area designated by the Director as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.

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(c) Flood hazard areas shall be adopted by Board Order, made a part of Lane Manual (LM 11.020) and filed in the office of the Department. Such studies shall form the basis for the administration and implementation of this section.

(4) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lane County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(5) Development Subject to Director Approval. Approval shall be obtained before construction or development begins within any area of special flood hazard. Approval shall be required for all structures, manufactured homes, and "development" as this term is defined in LC 16.244(6). Application for approval shall be filed with the Department pursuant to LC 14.050.

(6) Definitions. Except as otherwise provided in LC 16.244, the definitions below shall be used for LC 16.244.

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

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

Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

Development. For the purposes of LC 16.244, development is defined in LC 16.090, and shall include dredging, paving, and drilling operations and the storage of equipment and materials.

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).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulations and runoff of surface waters from any source.

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

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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.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administrations that includes flood profiles and the water surface elevation of the base flood.

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 more than one foot.

Start of Construction. For the purposes of LC 16.244, the start of construction is defined in LC 16.090, and shall include the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the 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.

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 correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum 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.

(7) ~~Designation of Administrator~~**Requirements of the Director**. The Director shall:

(a) Review all development applications to determine that the permit requirements of this section have been satisfied.

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(b) Review all development applications to determine that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.

(c) Review all development applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of LC 16.244(8)(d) are met.

(d) When base flood elevation data has not been provided in the Flood Insurance Study for Lane County, Oregon unincorporated areas, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer this section.

(e) Where base flood elevation data is provided through the Flood Insurance Study or required as in LC 16.244(7)(d), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(f) For all new or substantially improved flood-proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and

(ii) Maintain the flood-proofing certifications required for elevation of nonresidential construction in zones A1-10, AH and AE.

(g) Maintain for public inspection all records pertaining to the Provisions of this section.

(h) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(i) Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

(j) Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation to the Hearings Official as provided in LC 14.500.

(k) Record a notice of designation of substantial damage to a residential structure at Lane County Deeds and Records when the residential structure meets (i) and (ii) below. This form will be provided by the Director. Once the structure has been brought into compliance and at the request of the property owner, the Director is required to sign a notice of remedy of substantial damage that is recorded at Lane County Deeds and Records. The notice of remedy will declare the previously recorded notice of substantial damage void.

(i) Has sustained substantial damage; and

(ii) Has not been brought into compliance with LC 16.244.

(8) Provisions for Flood Hazard Reduction. In all areas of flood hazard, the following standards are required:

(a) Provisions applicable to Unnumbered A, A1-10, AH and AE zones:

(i) All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.

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(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(iii) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building and manufactured home placement permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include the use of historical data, high water marks, photographs of past flooding, etc., where available.

(c) Floodways. Located within areas of special flood hazard established in LC 16.244(3) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(i) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evidence shall utilize hydrologic and hydraulic analyses performed in accordance with standard engineering practices.

(ii) Where base flood elevations have been provided but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(iii) If LC 16.244(8)(c)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions for development in zones A1-30, AH and AE.

(iv) Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway.

(d) Development in areas of special flood hazard shall also comply with the provisions in *Table 1: Provisions for Flood Hazard Reduction*.

Table 1: Provisions for Flood Hazard Reduction

Flood Zone	Foundations and Anchoring
Unnumbered A	(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure. (2) All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard.
A1-30, AH and AE	(1) All new construction and substantial improvements subject to less than 18 inches of flood water during a 100-year flood shall be anchored to prevent flotation, collapse and lateral movement. (2) All manufactured homes subject to less than 18 inches of flood

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	water during a 100-year flood shall be anchored and/or supported to prevent flotation, collapse and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard. (3) All new construction, substantial improvements and manufactured homes not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood, shall be anchored to prevent flotation, collapse, and lateral movement which may reasonably occur independently or combined. Designs for meeting this requirement shall be certified by an Oregon registered engineer or architect. (4) All manufactured homes in existing manufactured home parks and existing manufactured home subdivisions shall be anchored to prevent flotation, collapse, and lateral movement, in accordance with the State of Oregon, Manufactured Dwelling Standard. (5) Foundations for all new construction, substantial improvements, and manufactured homes that are not in an existing manufactured home park or existing manufactured home subdivision subject to 18 inches or more of flood water during a 100-year flood or located within a designated floodway, shall be certified by an Oregon registered professional engineer or architect to meet the following minimum foundation requirements: (a) concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted. (b) footings extending below the frost line. (c) reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined. (6) All Manufactured homes located in an existing manufactured home park or existing manufactured home subdivision shall be supported in accordance with the State of Oregon, Manufactured Dwelling Standard.
Flood Zone	Utilities
Unnumbered A	(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and (3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during

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	flooding.
A1-30, AH and AE	(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Public water systems which utilize wells for a source(s) shall be constructed such that the top well elevation is at least one foot above the 100-year flood elevation. (2) New and replacement public or community sewerage facilities shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. (3) Individual sewerage facilities shall be located to avoid impairment to them or contamination from them during flooding.
Flood Zone	Elevation: Residential
Unnumbered A	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the highest adjacent grade. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."
A1-30, AH and AE	New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation. Crawlspace construction is outlined in FEMA Technical Bulletin 11-01 entitled "Crawlspace Construction of Buildings located in Special Flood Hazard."
Flood Zone	Elevation: Nonresidential
Unnumbered A	New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above grade; or, together with attendant utility and sanitary facilities, shall be flood-proofed to a level two feet above the highest adjacent grade, so the structure is watertight with walls substantially impermeable to the passage of water.
A1-30, AH and AE	New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall: (a) be flood-proofed to one foot above the base flood level, so the structure is watertight with walls substantially impermeable to the passage of water; (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; (c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for

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	meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in LC 16.244(7)(f)(ii). Nonresidential structures that are elevated, not flood-proofed, must meet the same standards as residential construction of fully enclosed areas below the lowest floor in zones A1-30, AH and AE. (d) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
Flood Zone	Elevation of Manufactured Homes
Unnumbered A	(1) All manufactured homes not in an existing manufactured home park or subdivision shall have the lowest floor elevated two feet above the highest adjacent grade. (2) All manufactured homes within an existing manufactured home park or subdivision shall be elevated such that the underside of the floor of the manufactured home is three feet above the finish grade.
A1-30, AH and AE	(1) All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE, (i) on sites outside of a manufactured home park or subdivision, (ii) on sites in a new manufactured home park or subdivision, (iii) on sites in an expansion to an existing manufactured home park or subdivision, or (iv) on sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the underside of the floor of the manufactured home is elevated to a height of one foot above the base flood elevation. (2) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park that are not subject to the provisions of LC 16.244(8)(d), paragraph (1) "Elevation of Manufactured Homes in Flood Zone A1-30, AH and AE" shall be elevated so that either (i) the underside of the floor of the manufactured home is one foot above the base flood level, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
Flood Zone	Elevation of Recreational Vehicles
A1-30, AH and AE	Recreational vehicles shall (i) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (ii) shall satisfy the permit requirements of LC 16.244(5) and the

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	requirements for elevation of manufactured homes in zones A1-30, AH and AE and be anchored to prevent flotation, collapse, and lateral movement. "Ready for highway use" means that the recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
Flood Zone	Enclosed Areas
Unnumbered A	Fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria: (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. (b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other. (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
A1-30, AH and AE	For residential construction, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces in exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. (b) Openings shall be located to allow unrestricted cross-flow of floodwaters through the enclosed area from one side to the other. (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
Flood Zone	Roads
Unnumbered A	Adequate provisions shall be made for accessibility during a 100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.
A1-30, AH and	(1) Adequate provisions shall be made for accessibility during a

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AE	100-year flood, so as to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding. (2) No road surface of any new street, road or access road shall be at an elevation less than one foot below the base flood height.
Flood Zone	Subdivisions and Partitions
Unnumbered A	(1) All subdivision proposals shall be consistent with the need to minimize flood damage; (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
A1-30, AH and AE	(1) All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage. (2) All subdivision proposals shall have adequate drainage to reduce exposure to flood damage, including returning water. (3) 100-year flood elevation data shall be provided and shown on final partition maps and subdivision plats. Applicant must show the boundaries of the 100-year flood and floodway on the final subdivision plat. (4) A permanent monument shall be established and maintained on land partitioned or subdivided showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat. (5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(9) Emergency Permits. The Director may issue an emergency permit orally or in writing:

(a) If issued orally, a written permit shall follow within five days confirming the issuance and setting forth the conditions of operation.

(b) Emergency permits may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.

(c) A representative of Lane County may inspect the project site to verify that an emergency condition exists and that the emergency action will not significantly impact water resources.

(d) Emergency permits shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.

(e) The emergency permit shall be circulated for public information within 10 days of issuance.

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(f) The Director shall condition emergency permits to protect and conserve the waters of this County.

(10) Variance Procedures.

(a) Scope. Variance to a requirement standard or procedure of this section, with respect to the provisions for flood hazard reduction, may be approved by the Director if an application is submitted, reviewed and approved pursuant to the criteria for approving variances in LC 16.256, and the application complies with the additional criteria listed below.

(i) Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.

(ii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions. Reasonable conditions may be established in connection with a variance as deemed necessary to secure the purpose and requirements of this section. In cases where a variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant, that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation of flood-proofing. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 3-91, 5.17.91; 2-98, 4.8.98; 1-07, 3.23.07)*

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**NONCONFORMING USES
RURAL COMPREHENSIVE PLAN**

16.251 Nonconforming Uses.

Except as is hereinafter provided in this Chapter, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Chapter or at the time of a change in the official zoning maps may be continued although such use does not conform with the provisions of this Chapter.

(1) Verification of Nonconforming Use. The verification of a nonconforming use may be obtained subject to Director approval pursuant to LC 14.100. Verification of a nonconforming use is required prior to requesting approval to increase, restore, alter or repair a nonconforming use. When evaluating a request for verification, the following criteria shall apply:

(a) To be valid, a nonconforming use must have been lawfully established prior to the enactment of an ordinance restricting or prohibiting the use.

(b) The use must have been in actual existence prior to the enactment of an ordinance restricting or prohibiting the use or have proceeded so far toward completion that a right to complete and maintain the use is deemed to have vested in the landowner.

(c) The nonuse of a nonconforming use of a structure or property for a period in excess of one year will prohibit the resumption of the nonconforming use. The burden of proof for the verification of a nonconforming use is upon the applicant.

(2) Change in Nonconforming Use. A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

(3) Increase of Nonconforming Use. A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this Chapter may be granted subject to Director approval pursuant to LC 14.100.

(4) Vested Right. Nothing contained in this Chapter shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Chapter, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time construction was commenced.

(5) Discontinuance of Nonconforming Use. When a non-conforming use of a structure or property is discontinued for a period in excess of one year, the structure or property shall not thereafter be used, except in conformance with the zone in which it is located. (Revised by Ordinance 7-87, 6.17.87; 4-91, 5.17.91)

(6) Unlawful Use of a Nonconforming Use. No unlawful use of property existing at the time of passage of this Chapter shall be deemed a nonconforming use.

(7) Restoration of Nonconforming Building or Structure.

(a) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed; provided that the

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restoration is commenced within a period of one year and is diligently prosecuted to completion and verification of the nonconforming use has been obtained.

(b) The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.

(8) Conveyance of Nonconforming Use. Nothing in this Chapter shall be construed to limit the sale, transfer, other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer or other conveyance does not otherwise violate the provisions of this Chapter.

(9) Restoration of Conforming Use on Nonconforming Lot. Nothing in this Chapter shall be construed to prevent the reconstruction or replacement of a preexisting building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Chapter.

(10) Repairs of a Nonconforming Use. Repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to Director approval pursuant to LC 14.100 and consistent with the intent of ORS 215.130(5-8) and shall be evaluated pursuant to criteria expressed in LC 16.251(12) below.

(11) Alterations of a Nonconforming Use. Alterations of a nonconforming use may be permitted to continue the use in a reasonable manner subject to ~~Hearings Official~~ **Director** -approval pursuant to **LC 14.100** ~~LC 14.300~~ and consistent with the intent of ORS 215.130(9), and ~~shall~~ be evaluated pursuant to criteria expressed in LC 16.251(12) below. Alteration of any such use ~~shall~~**must** -be permitted when necessary to comply with any lawful requirement for alteration in the use.

(12) Criteria for Decision. When evaluating a proposal for increase, restoration, alteration or repair, the following criteria shall apply:

(a) The change in the use will be of no greater adverse impact to the neighborhood.

(b) The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood.

(c) Other provisions of this Chapter, such as property development standards, are met.

(13) Conditions of Approval. In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:

(a) Special yards and spaces.
(b) Fences and walls.
(c) Special parking and/or loading provisions.
(d) Street dedication and improvements or bonds in lieu of improvements.

(e) Control of points of vehicular ingress and egress.

(f) Special provisions for signs.

(g) Landscaping and the maintenance of grounds.

(h) Control of noise, vibration, odors or other similar nuisances.

(i) Limitation of time for certain activities.

(j) A time period in which a proposed use shall be developed.

(k) A limit of total duration of use. *(Revised by Ordinance 7-87, Effective 6.17.87; 4-91, 5.17.91)*

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**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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(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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(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 **minor** home occupation and/or a home office that comply with these conditions:

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

(ii) The **minor** home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall

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not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory **minor** 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 **minor** home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the **minor** 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 **minor** 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 **minor** 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 **minor** 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 **minor** 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 **minor** 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 **minor** home occupation and/or home office property shall be limited to persons who qualify as workers of the **minor** 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 **minor** home occupation and/or home office property.

(ix) Use of buildings or structures for the **minor** 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 **minor** 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

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(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

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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) **Residential Accessory Structures and Uses.** 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, ~~and~~ **and** or animal or pet shelters, ~~and not more than one accessory residential structure.~~

(u) **Guest House or Accessory Residential Structure.** ~~—An accessory residential structure is a~~ **A** structure that contains area for residential use or occupancy, **which could include** a toilet or bathroom, and that ~~shall~~ **complies** with these requirements:

(i) The total floor area of the structure ~~shall not contain~~ **is no** more than 850 square feet;

(ii) The structure ~~shall~~ **does** not contain a kitchen.

(iii) The structure ~~shall be~~ **is** 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~~ **is** connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical ~~circuit box meter~~ 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 Home Occupation.** ~~A rural home business home occupation~~ **—is** allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance of the ~~rural home business home occupation~~ **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~~ **home occupation** on their Rural Residential zoned land;

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

(iii) To recognize the uniqueness of each ~~rural home business~~ **home occupation** 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~~ **home occupation**. 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~~ **home occupation** uses that are normally located outdoors such as: advertising signs for the ~~rural home business~~ **home occupation**; 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~~ **home occupation**; 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~~ **home occupation** 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~~ **home occupation** shall not exceed:

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

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

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

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

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(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

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

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

(a) Feeding, breeding and management of livestock, poultry, or fur bearing animals in excess of the standards in LC 16.290(2)(i) above.

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

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

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

(e) Radio and television transmission facilities.

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

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(g) An onsite sewage disposal system for a non-residential use on a nearby property in a rural zone.

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

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

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

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

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

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

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

(i) Shall be located at least:

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

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

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

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

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

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

(n) Golf courses.

(o) Lodges and grange halls that:

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

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

(p) Parks, playgrounds, community centers.

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

(r) Storage facilities for boats and recreational vehicles.

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

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

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

(aa) Goods or services traded from the site;

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

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

(dd) Intensity of land use of the site.

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

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

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

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

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(u) Stables, riding academies or commercial riding.

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

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

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

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

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

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

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

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter ~~918-600-814, Division 28—Department of Commerce, effective on April 1, 1986.~~

(d) 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 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area 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.

(f) Height. None.

(g) Signs.

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

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

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

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

(h) Parking. Off street parking shall be provided in accordance with LC

16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12)*