



# Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

12/28/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment  
DLCD File Number 004-09

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, January 07, 2010

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

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

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Lindsey Eichner, Lane County  
Gloria Gardiner, DLCD Urban Planning Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA

# Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: **Lane County**

Local file number: PA09-5350

Date of Adoption: **December 9, 2009**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/2/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

To amend the Lane County Land Use Development Code by adding regulations in the Lane Code Chapter 13 that include new Property Line Adjustment provisions to implement House Bill 3629 (2008 Special Session)(Chapter 12, Or Laws 2008); new Validation of Unit of Land provisions to implement House Bill 2723 (2007)(Chapter 866, Or Laws 2007); and making housekeeping and conforming amendments consistent with laws which may require amendments to the definition sections of Lane Code Chapters 13.

Does the Adoption differ from proposal? **Yes**, Please explain below:

The Lane County Board of Commissioners directed staff to work with a stakeholder group on the code language. The agreed upon language was adopted.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

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

Lane County Transportation Planning, Lane County Surveyors, ODOT, DSL.

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Local Contact: **Lindsey Eichner**

Phone: **(541) 682-3998** Extension:

Address: **Land Management, 125 E 8<sup>th</sup> Ave**

Fax Number: **541-682-3947**

City: **Eugene**

Zip: **97401-**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **[larry.french@state.or.us](mailto:larry.french@state.or.us)**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[larry.french@state.or.us](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist**.

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 2-09

IN THE MATTER OF AMENDING CHAPTERS 13 AND 16 OF LANE CODE TO REVISE AND ADD DEFINITIONS AND PROVISIONS PERTAINING TO LAWFULLY ESTABLISHED UNITS OF LAND, PARTITIONING LAND, PROPERTY LINE ADJUSTMENTS AND VALIDATION OF UNITS OF LAND (LC 13.010, 13.030, 13.450, LC 16.090)

The Board of County Commissioners of Lane County ordains as follows:

Chapters 13 and 16 of Lane Code are hereby amended by removing, substituting and adding new sections as follows:

**REMOVE THESE SECTIONS**

13.010  
located on pages 13-1 through 13-3  
(a total of 3 pages)

NONE

NONE

16.090  
located on pages 16-26 through 16-44  
(a total of 19 pages)

**INSERT THESE SECTIONS**

13.010  
located on pages 13-1 through 13-4  
(a total of 4 pages)

13.030  
located on page 13-4  
(a total of 1 page)

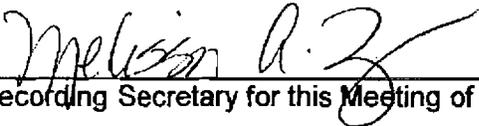
13.450  
located on page 13-18 through 13-19  
(a total of 2 pages)

16.090  
located on pages 16-26 through 16-44  
(a total of 19 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to revise and add definitions and provisions pertaining to lawfully established units of land, partitioning land, property line adjustments and validation of units of land (LC 13.010, 13.030, 13.450 and LC 16.090).

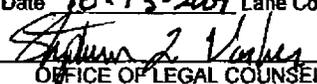
ENACTED this 9<sup>th</sup> day of DECEMBER 2009.

  
\_\_\_\_\_  
Chair, Lane County Board of Commissioners

  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 10-13-2009 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## LAND DIVISIONS

### 13.005 Purpose.

Pursuant to ORS Chapters 92, 197 and 215, any person desiring to partition or subdivide land within any part of Lane County outside of incorporated cities shall submit preliminary plans and final plats for such partitions or subdivisions to the Director for review. Such review of proposed partitions or subdivisions is necessary in order that Lane County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the comprehensive plan regarding patterns for the development and improvement of Lane County; provide for safety and health; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215. *(Revised by Ordinance No. 1-90; Effective 2.7.90)*

### 13.010 Definitions.

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

**Area.** The total horizontal area within the boundary lines of a parcel, lot or unpartitioned or unsubdivided tract of land, exclusive of County or local access i.e., public roads.

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

**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 Chapters 10 and 16. Consistency with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

**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.

**Department.** The 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.

**Director.** "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."

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

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

**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.

**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 improved 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.

**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 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.

**Legal Lot Verification.** A determination that a unit of land was created in conformance with the Lane Code and other applicable law. A preliminary determination shall only become final when it is made and noticed pursuant to LC 13.020.

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

**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 13.010.
  - (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.

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

**Partition Plat.** Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

**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 LC 13.010;
- (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.

**Performance Agreement.** A written agreement executed by a subdivider or partitioner in a form approved by the Board 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.

**Plat.** A final diagram and other documents relating to a subdivision, replat or partition.

**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 the common property line between abutting properties that does not create an additional lot or parcel.

**Replat.** Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings concerning a recorded subdivision or partition plat.

**Road.** The entire right-of-way of any public or private way that provides vehicular ingress and egress from property or provides travel between places by vehicles.

**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 waste, 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, or is available, for public use.

**Street.** The term is synonymous with "road."

**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.

**Tract.** A lot or parcel as defined in LC 13.010.

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

### **13.020 Legal Lot Verification.**

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

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

### **13.030 Validation of a Unit of Land.**

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

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

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

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

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

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

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

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

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).

### **13.050 General Requirements and Standards of Design and Development for Preliminary Plans.**

The following are the requirements to which the preliminary plan of a subdivision, replat or partition must conform:

(1) Conformity with the Comprehensive Plan. All divisions shall conform with the Comprehensive Plan for Lane County and the following city comprehensive plans:

(a) The comprehensive plan for a small city, if the division site is within an urban growth boundary but outside the city limits. Such small cities are:

- (i) Cottage Grove
- (ii) Creswell
- (iii) Oakridge
- (iv) Lowell
- (v) Coburg
- (vi) Junction City
- (vii) Veneta
- (viii) Florence
- (ix) Dunes City
- (x) Westfir

(b) The Eugene-Springfield Metropolitan Area Plan and any applicable Special Purpose/Functional Plan or Neighborhood Refinement/Community Plans, if the division site is within the plan boundaries.

(2) Conformity with the Zoning. All divisions shall comply with all specifications of the applicable zoning requirements in Lane Code, including uses of land, area and dimension requirements, space for off street parking landscaping and other requirements as may be set forth.

**13.400 Amendments to Preliminary Plans and Final Plats.**

(1) **Approval of Minor Amendments.** A minor amendment to an approved preliminary partition or subdivision plan, or to an approved plat, is a routine administrative action approvable by the Director.

(2) **Approval of Major Amendments.** Approval of a major amendment to an approved preliminary partition or subdivision plan, or final plat shall be an administrative action subject to the provisions of LC 14.100 for Director decisions.

(3) Road Vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

**13.450 Property Line Adjustments.**

(1) No person shall relocate or eliminate all or a portion of a common property line without review and approval of a property line adjustment application or as otherwise provided by this chapter.

(2) The Planning Director shall review one or more property line adjustments when the following standards are met:

(a) An application is submitted and reviewed pursuant to LC 14.050; and

(b) Owner(s) of all properties involved in the property line adjustment consent in writing to the proposed adjustment and agree to record a conveyance or conveyances conforming to the approved property line adjustment; and

(c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties that does not create an additional unit of land; and

(d) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.

(3) A property line adjustment of a common property line between abutting F-1 zoned properties where each parcel is vacant and larger than 200 acres before and after the property line adjustment is exempt from review and approval unless the Applicant requests Planning Director review and notice.

(4) An applicant must obtain ministerial approval or may use the Planning Director review with public notice procedures if the property line adjustment is for:

(a) The adjustment of a common property line involving only F-1 zoned properties which are less than 200 acres and the applicant submits a title report for each F-1 property that demonstrates the properties are not encumbered by a nonrevocable deed restriction required for certain forest dwellings pursuant to ORS 215.740 and OAR 660 Division 06; or

(b) The adjustment of a common property line between properties in any zone if each adjusted property is vacant and complies with the minimum area requirements of the zoning before and after the property line adjustment; or

(c) The adjustment of a common property line between properties where a surveyor certifies that any property reduced in size by the adjustment is not reduced below the minimum lot or parcel size for the applicable zone, and where the setbacks

from existing structures and improvements do not become nonconforming or more nonconforming with the setback requirements.

(5) All other property line adjustment applications are subject to Planning Director review with public notice, pursuant to LC 14.100.

(a) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size for the applicable zone after the adjustment.

(b) Subject to subsection (c) of this section, the Planning Director may approve a property line adjustment in which:

(i) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(c) On land zoned for exclusive farm use or forest use, a property line adjustment under subsection (b) of this section may not be used to:

(i) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(ii) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(iii) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

### **13.500 Variances.**

(1) Approval Authority. A decision on a variance shall be an administrative action subject to the provisions of LC 14.100 for a decision by the Director.

(2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:

(a) Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(3) Application Requirements.

**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.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

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

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

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

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Board.** Board of County Commissioners of Lane County.

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

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

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

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

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

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

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

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

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

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

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

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

Driveways or walks not more than six inches higher than the ground on which they rest shall not be considered buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Comprehensive Plan.** A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational

facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

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

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

**Cultured Christmas Trees.** Means trees:

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

**Current Employment of Land for Farm Use.** Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- (7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(x) and 215.283(1)(u);
- (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(1)(e) or 321.415(5); and
- (11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

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

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

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

Department. The Lane County Department of Public Works.

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

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

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

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

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

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

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

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

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

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

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

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

“Conditionally” stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover.”

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

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

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

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

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

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

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

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

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

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

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

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

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

Farm Use. Means:

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding,

management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;

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

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

(4) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(1)(e) or 321.415(5);

(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 (MDMT).

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

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

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

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

**Lawfully Established Unit of Land.**

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or

(2) Another unit of land:

(a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

(c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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

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

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

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

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

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

**Mobile Home Park.** Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for

occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

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

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

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

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

**100 Year Flood.** See "Base Flood".

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

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

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

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

**Parcel.**

- (1) Includes a unit of land created:
  - (a) by partitioning land as defined in LC 16.090,
  - (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
  - (c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any County official.

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

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

**Person.** A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or

the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition,

refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

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

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

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

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

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

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

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

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

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

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

**Rural Land.** Land outside urban growth boundaries that is:

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

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

(3) In an unincorporated community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Structure. Synonymous with the definition of building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) "Access" means physical contact with or use of the water;
- (b) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);
- (c) "Recreation" means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.
- (d) "Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;
- (e) "Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.
- (f) "Water-borne transportation" means use of water access:
  - (i) Which are themselves transportation (e.g., navigation);
  - (ii) Which require the receipt of shipment of goods by water; or
  - (iii) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities).

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

- (a) Aquaculture.
- (b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.
- (c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.
- (d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.
- (e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.
- (f) Recreational. Recreational marinas, boat ramps and support.

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

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

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

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

**Winery.** A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.

A winery as defined here shall allow only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.

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

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

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

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

#### **16.095 Compliance With LC Chapter 15, Roads.**

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

### **DEVELOPMENTAL APPROVAL PROCEDURES RURAL COMPREHENSIVE PLAN**

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

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

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

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

**PAGES 16-46 THROUGH 16-55  
ARE RESERVED FOR FUTURE EXPANSION**

At right margin indicates changes  
Bold indicates material being added  
Strikethrough indicates material being deleted

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**LAND DIVISIONS**

**13.005 Purpose.**

Pursuant to ORS Chapters 92, 197 and 215, any person desiring to partition or subdivide land within any part of Lane County outside of incorporated cities shall submit preliminary plans and final plats for such partitions or subdivisions to the Director for review. Such review of proposed partitions or subdivisions is necessary in order that Lane County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the comprehensive plan regarding patterns for the development and improvement of Lane County; provide for safety and health; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215. *(Revised by Ordinance No. 1-90; Effective 2.7.90)*

**13.010 Definitions.**

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

Area. The total horizontal area within the boundary lines of a parcel, lot or unpartitioned or unsubdivided tract of land, exclusive of County or local access i.e., public roads.

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

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 Chapters 10 and 16. Consistency with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

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.

Department. The 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.

Director. "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."

At right margin indicates changes  
Bold indicates material being added  
Strikethrough indicates material being deleted  
13.010+3.005

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FORMAT

Lane Code

13.010+3.040

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

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

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.

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 improved 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.

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 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 ~~changed or~~ vacated or the lot or parcel is further divided as provided by law.

Legal Lot Verification. A determination that a unit of land was created in conformance with the Lane Code and other applicable law. A preliminary determination shall only become final when it is made and noticed pursuant to LC 13.020.

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

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 13.010.

(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.

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Partition. Either an act of partitioning land or an area or tract of land partitioned. ~~Partitions shall be divided into the following two types:~~

- ~~(1) Major Partitions. A partition which includes the creation of a road.~~
- ~~(2) Minor Partition. A partition that does not include the creation of any road.~~

Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Partitioning Land. ~~To Dividing~~ land into two or 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 division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;~~ or

(2) ~~Adjusting a property line as property line adjustment is defined in LC 13.010; An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance, or~~

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

(4) ~~Selling or granting A sale or grant 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 provided that such road or right-of-way complies with the Lane County Rural applicable Comprehensive plan and ORS 215.213(2)(pe) to (rs) and 215.283(2)(qp) to (sf). 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.~~

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board 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.

Plat. A final diagram and other documents relating to a subdivision, replat or partition.

~~Plat Partition. A final diagram and other documentation relating to a major or minor partition.~~

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

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

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Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings concerning a recorded subdivision or partition plat.

Road. The entire right-of-way of any public or private way that provides vehicular ingress and egress from property or provides travel between places by vehicles.

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 waste, 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, or is available, for public use.

Street. The term is synonymous with "road."

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.

Tract. A lot or parcel as defined in LC 13.010.

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

**13.020 Legal Lot Verification.**

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

(1) An application is submitted and reviewed pursuant to LC 14.050, excluding 14.050(3)(c), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or

(2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to LC 14.050, excluding 14.050(3)(c). *(Revised by Ordinance No. 7-04; Effective 7.15.04)*

**13.030 Validation of a Unit of Land.**

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

(a) Is not a lawfully established unit of land; and

(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

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

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

(a) The dwelling or other building was lawfully established prior to January 1, 2007; and

(b) The permit does not change or intensify the use of the dwelling or other building.

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

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

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

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).

### **13.050 General Requirements and Standards of Design and Development for Preliminary Plans.**

The following are the requirements to which the preliminary plan of a subdivision, replat or partition must conform:

(1) Conformity with the Comprehensive Plan. All divisions shall conform with the Comprehensive Plan for Lane County and the following city comprehensive plans:

(a) The comprehensive plan for a small city, if the division site is within an urban growth boundary but outside the city limits. Such small cities are:

- (i) Cottage Grove
- (ii) Creswell
- (iii) Oakridge
- (iv) Lowell
- (v) Coburg
- (vi) Junction City
- (vii) Veneta
- (viii) Florence
- (ix) Dunes City
- (x) Westfir

(b) The Eugene-Springfield Metropolitan Area Plan and any applicable Special Purpose/Functional Plan or Neighborhood Refinement/Community Plans, if the division site is within the plan boundaries.

(2) Conformity with the Zoning. All divisions shall comply with all specifications of the applicable zoning requirements in Lane Code, including uses of land, area and dimension requirements, space for off street parking landscaping and other requirements as may be set forth.

**13.400 Amendments to Preliminary Plans and Final Plats.**

(1) Approval of Minor Amendments. A minor amendment to an approved preliminary partition or subdivision plan, or to an approved plat, is a routine administrative action approvable by the Director.

(2) Approval of Major Amendments. Approval of a major amendment to an approved preliminary partition or subdivision plan, or final plat shall be an administrative action subject to the provisions of LC 14.100 for Director decisions.

(3) Road Vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

**13.450 Property Line Adjustments.**

(1) No person shall relocate or eliminate all or a portion of a common property line without review and approval of a property line adjustment application or as otherwise provided by this chapter.

(2) The Planning Director shall review one or more property line adjustments when the following standards are met:

(a) An application is submitted and reviewed pursuant to LC 14.050; and

(b) Owner(s) of all properties involved in the property line adjustment consent in writing to the proposed adjustment and agree to record a conveyance or conveyances conforming to the approved property line adjustment; and

(c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties that does not create an additional unit of land; and

(d) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.

(3) A property line adjustment of a common property line between abutting F-1 zoned properties where each parcel is vacant and larger than 200 acres before and after the property line adjustment is exempt from review and approval unless the Applicant requests Planning Director review and notice.

(4) An applicant must obtain ministerial approval or may use the Planning Director review with public notice procedures if the property line adjustment is for:

(a) The adjustment of a common property line involving only F-1 zoned properties which are less than 200 acres and the applicant submits a title report for each F-1 property that demonstrates the properties are not encumbered by a nonrevoeable deed restriction required for certain forest dwellings pursuant to ORS 215.740 and OAR 660 Division 06; or

(b) The adjustment of a common property line between properties in any zone if each adjusted property is vacant and complies with the minimum area requirements of the zoning before and after the property line adjustment; or

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(c) The adjustment of a common property line between properties where a surveyor certifies that any property reduced in size by the adjustment is not reduced below the minimum lot or parcel size for the applicable zone, and where the setbacks from existing structures and improvements do not become nonconforming or more nonconforming with the setback requirements.

(5) All other property line adjustment applications are subject to Planning Director review with public notice, pursuant to LC 14.100.

(a) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size for the applicable zone after the adjustment.

(b) Subject to subsection (c) of this section, the Planning Director may approve a property line adjustment in which:

(i) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(c) On land zoned for exclusive farm use or forest use, a property line adjustment under subsection (b) of this section may not be used to:

(i) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(ii) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(iii) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

### 13.500 Variances.

(1) Approval Authority. A decision on a variance shall be an administrative action subject to the provisions of LC 14.100 for a decision by the Director.

(2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:

(a) Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the

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property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(3) Application Requirements.

(a) The application shall be submitted pursuant to LC 14.050 and concurrently with applications for preliminary or final approval. *(Revised by Ordinance No. 16-83)*

**13.600 Appeals.**

(1) Procedure for Appeals. The procedure for appeals of Director decisions made pursuant to LC 14.100 shall be as specified for appeals to the Hearings Official in LC 14.500.

(2) Other Appealable Decisions. The following Director actions are appealable to the Hearings Official by the applicant, and the procedure for such appeals shall be as specified in LC 14.500 for appeals to the Hearings Official.

(a) A written decision to approve or deny an extension.

(b) A written decision to deny final approval of a map or plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

**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. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

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.

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

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

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

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

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

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

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

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

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

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

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.

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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.

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

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

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

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

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

Cultured Christmas Trees. Means trees:

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

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

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(7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(x) and 215.283(1)(u);

(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(1)(e) or 321.415(5); and

(11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

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

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

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

Department. The Lane County Department of Public Works.

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

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

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

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

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

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

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

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

Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation. free)

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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

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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(1)(e) or 321.415(5);

(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.

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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).

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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.

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

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

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

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

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

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 ~~changed or~~ vacated or the lot or parcel is further divided as provided by law.

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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

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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".

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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

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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.

~~Partitions shall be divided into the following two types:~~

- ~~(1) Major Partition. A partition which includes the creation of a road.~~
- ~~(2) Minor Partition. A partition that does not include the creation of any road.~~

Partitioning Land. ~~To d~~Dividing land to create not more than ~~into two or~~ three parcels of land within a calendar year, but does not include:

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

(2b) ~~Adjusting a property line as property line adjustment is defined in Lane Code 16.090; an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.~~

(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

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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.

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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.

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

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

Rural Land. Land outside urban growth boundaries that is:

- (1) Non-urban agricultural, forest or open space;
- (2) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
- (3) In an unincorporated community.

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

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

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

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

- (1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.
- (2) Sewerage Facility, Individual. A privately owned sewage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.
- (3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Shelter Home. A certified foster home or a licensed facility contracted with the state Childrens' 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.

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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

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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.

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- (2) Typical examples of "water dependent uses" include the following:
- (a) Aquaculture.
  - (b) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.
  - (c) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.
  - (d) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.
  - (e) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.
  - (f) Recreational. Recreational marinas, boat ramps and support.

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

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

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

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

Winery. A facility which produces wine and which (1) produces less than 50,000 gallons per year; and owns an onsite vineyard of at least 15 acres or a contiguous vineyard of at least 15 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 15 acres, or obtains grapes from any combination of these three sources; or (2) produces more than 50,000 gallons but less than 100,000 gallons per year; and owns an onsite vineyard of at least 40 acres or a contiguous vineyard of at least 40 acres, or owns or has a long-term contract for all grapes used from a contiguous vineyard of at least 40 acres, or obtains grapes from any combination of these three sources.

A winery as defined here shall allow only for the sale of wines produced in conjunction with the winery, and items directly related to wine, the sales of which are incidental to retail sale of wine onsite and which may include those served by a limited service restaurant as defined in ORS 624.010.

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

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

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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)*

**16.095 Compliance With LC Chapter 15, Roads.**

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

**DEVELOPMENTAL APPROVAL PROCEDURES  
RURAL COMPREHENSIVE PLAN**

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

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

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

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

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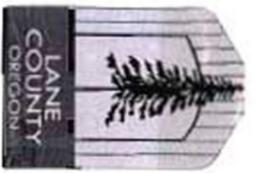
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