



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

September 3, 2010

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendments  
DLCD File Number 002-10 and 004-10



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, September 16, 2010**

The Lane County 002-10 amendment was submitted to DLCD for review with less than the required 45-day notice and the Lane County 004-10 amendment was submitted 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Rafael Sabba, Lane County  
Jon Jinings, DLCD Community Services Specialist  
Ed Moore, DLCD Regional Representative  
Dave Perry, DLCD Regional Representative  
Katherine Daniels, DLCD Farm/Forest Specialist  
Bill Holmstrom, DLCD Transportation Specialist

<paa> YA







FORM **2**

**DLCD**

# Notice of Adoption

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

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**AUG 27 2010**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **Lane County**

Local file number: **PA 10-5259 & PA 10-5133**

Date of Adoption: **August 18, 2010**

Date Mailed: 08/25/2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 04/01/10 & 01/15/10

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".

Amending Lane Code Chapters 13, 14, & 16 to add and revise definitions and other provisions to be consistent with the ORS and OAR and to make certain correction and clarification revisions.

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

Some of the initial proposed revisions were slightly modified.

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

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Local Contact: **Rafael Sebba**

Phone: (541) 682-4620 Extension:

Address: 125 E. 8<sup>th</sup> Ave.

Fax Number: 541-682-3947

City: Eugene

Zip: 97401

E-mail Address: [Rafael.Sebba@co.lane.or.us](mailto:Rafael.Sebba@co.lane.or.us)

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 6-10

IN THE MATTER OF AMENDING CHAPTERS 13, 14, AND 16 OF LANE CODE TO ADD AND REVISE DEFINITIONS AND OTHER PROVISIONS TO BE CONSISTENT WITH OREGON REVISED STATUTES AND OREGON ADMINISTRATIVE RULES AND TO MAKE CERTAIN CORRECTION AND CLARIFICATION REVISIONS (LC 13.010, 14.015, 14.050, 14.170, 16.090, 16.210, 16.211, 16.212, 16.213, 16.214, 16.233, 16.238, 16.243, 16.246, 16.250, 16.252, 16.258, 16.264, 16.290, 16.292)

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

Chapters 13, 14, 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 13-4  
(a total of 4 pages)

14.015  
located on pages 14-1 through 14-3  
(a total of 3 pages)

14.050  
located on pages 14-3 through 14-4  
(a total of 2 pages)

NONE

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

16.210  
located on pages 16- 56 through 16-65  
(a total of 10 pages)

16.211  
located on pages 16- 101 through 16-123  
(a total of 23 pages)

**INSERT THESE SECTIONS**

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

14.015  
located on pages 14-9 through 14-10  
(a total of 2 pages)

14.050  
located on pages 14-11 through 14-13  
(a total of 3 pages)

14.170  
located on page 14-17  
(a total of 1 page)

16.090  
located on pages 16-26 through 16-45  
(a total of 20 pages)

16.210  
located on pages 16-56 through 16-66  
(a total of 11 pages)

16.211  
located on pages 16-101 through 16-124  
(a total of 24 pages)



**REMOVE THESE SECTIONS**

16.212  
located on pages 16-151 through 16-185  
(a total of 35 pages)

16.213  
located on pages 16-211 through 16-212  
(a total of 2 pages)

16.214  
located on pages 16-213 through 16-217  
(a total of 5 pages)

16.233  
located on pages 16-348 through 16-349  
(a total of 2 pages)

16.238  
located on pages 16-401 through 16-407  
(a total of 7 pages)

16.243  
located on pages 16-442 through 16-445  
(a total of 4 pages)

16.246  
located on pages 16-459 through 16-461  
(a total of 3 pages)

16.250  
located on pages 16-501 through 16-503  
(a total of 3 pages)

16.252  
located on pages 16-503 through 16-507  
(a total of 5 pages)

16.258  
located on pages 16-538 through 16-556  
(a total of 19 pages)

16.264  
located on pages 16- 579 through 16-585  
(a total of 7 pages)

16.290  
located on pages 16-611 through 16-621  
(a total of 11 pages)

16.292  
located on pages 16- 651 through 16-657  
(a total of 7 pages)

**INSERT THESE SECTIONS**

16.212  
located on pages 16-151 through 16-185  
(a total of 35 pages)

16.213  
located on pages 16-211 through 16-212  
(a total of 2 pages)

16.214  
located on pages 16-213 through 16-217  
(a total of 5 pages)

16.233  
located on pages 16-348 through 16-349  
(a total of 2 pages)

16.238  
located on pages 16-401 through 16-407  
(a total of 7 pages)

16.243  
located on pages 16-442 through 16-445  
(a total of 4 pages)

16.246  
located on pages 16-459 through 16-461  
(a total of 3 pages)

16.250  
located on pages 16-501 through 16-503  
(a total of 3 pages)

16.252  
located on pages 16-503 through 16-505  
(a total of 3 pages)

16.258  
located on pages 16-358 through 16-556  
(a total of 19 pages)

16.264  
located on pages 16-579 through 16-584  
(a total of 6 pages)

16.290  
located on pages 16-611 through 16-621  
(a total of 11 pages)

16.292  
located on pages 16-651 through 16-656  
(a total of 6 pages)

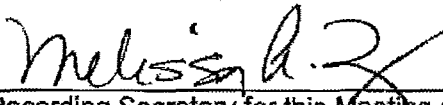


Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to reflect statutory and administrative rule changes, make corrections or clarifications to certain provisions and perform housekeeping functions in the described sections.

Further, although not a part of this Ordinance, the Board of County Commissioners adopts the Findings as set forth in Exhibit "A" attached and incorporated here by this reference, in support of this action.

ENACTED this 18<sup>th</sup> day of August 2010.

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

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

APPROVED AS TO FORM

Date 7-15-2010 Lane County

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



**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 #23 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; 2-09, 1.8.10)*



**14.015 Definitions.**

For the purpose of this Code, 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 in 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 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.

**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 this chapter.

**Argument.** The assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. Argument does not include facts.

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

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

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

**Department.** The Lane County Department of Public Works.

**Director.** The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department. The Director shall approve or deny land use applications as authorized by this chapter.

**Evidence.** The facts, documents, data or other information offered to demonstrate compliance or non-compliance with the standards believed by the proponent to be relevant to the decision.

**Hearings Official.** A person who has been appointed by the Board to serve at their pleasure and at a salary fixed by them. The Hearings Official shall conduct hearings on applications as authorized by this Code.

**Land Use Decision.**

(1) A final decision or determination made by a Lane County Approval Authority that concerns the adoption, amendment or application of

- (a) The Goals;
- (b) A comprehensive plan provision;
- (c) A land use regulation; or
- (d) A new land use regulation.

(2) A land use decision does not include a decision made by a Lane County Approval Authority:

- (a) That is made under land use standards which do not require interpretation or the exercise of policy or legal judgment;
- (b) That approves or denies a building permit issued under clear and objective land use standards;
- (c) That is a limited land use decision;

(d) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

(e) That is an expedited land division as described in ORS 197.360;

(f) That approves, pursuant to ORS 480.450(7), the siting, installation, maintenance or removal of a liquid petroleum gas container or receptacle regulated exclusively by the State Fire Marshall under ORS 480.410 to 480.460; or

(g) That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or

(h) That authorizes an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; or

i) A land use approval in response to a writ of mandamus.

Land Use Regulation. Any zoning ordinance, land division ordinance adopted under ORS 92.044 to 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

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 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, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

Limited Land Use Decision.

(1) Means a final decision or determination made by a Lane County Approval Authority, as defined in LC 14.015, pertaining to a site within an urban growth boundary and which concerns:

(a) The approval or denial of a subdivision or partition plan, as described in ORS 92.040 (1).

(b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review pursuant to the Site Review Procedures of LC 10.335.

(2) Does not mean a final decision made by a Lane County Approval Authority, as defined in LC 14.015, pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

New Land Use Regulation. A land use regulation other than an amendment to an acknowledged land use regulation adopted by Lane County.

Party. With respect to actions pursuant to LC 14.100 and 14.200 below, 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 person who makes an appearance before the Approval Authority.

Permit.

(1) A discretionary approval of a proposed development of land under ORS 215.010 to 215.293, 215.317 to 215.438 and 215.700 to 215.780 or county legislation or regulation adopted pursuant thereto.

(2) "Permit" does not include:



- (a) A limited land use decision;
- (b) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;
- (c) A decision which determines final engineering, design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or
- (d) An action under ORS 197.360(1).

**Person.** Any individual, his or her heirs, executors, administrators or assigns, or a firm, partnership or corporation, its heirs or successors or assigns, or the agent of any of the aforesaid, any political subdivision, agency, board or bureau of the State or public or private organization of any kind.

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

**Planning Director.** See Director.

**Received.** Acquired by or taken into possession by the Director. (*Revised by Ordinance No. 16-83; Effective 9.14.83; 10-89, 10.4.89; 4-96; 11.29.96; 12-97, 11.20.97; 3-09, 12.4.09*)

#### **14.050 Application Requirements, Acceptance and Investigation.**

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

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

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

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

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

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

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

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

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

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

(aa) All of the missing information;

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

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

(iii) If the application was complete when first submitted or the applicant submits additional information, as described in LC 14.050(3)(b)(ii) above, within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

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

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

(i) All of the missing information;

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

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

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

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

(5) Timelines for Final Action. For development sites located within an urban growth boundary, except as provided in LC 14.050(5)(a) through (d) below, the Approval Authority shall take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete. For development sites located outside an urban growth boundary, except as provided in LC 14.050(5)(a) through (d) below, the Approval Authority shall take final action on an



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

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

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

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

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

#### 14.070 Notice Contents.

(1) Notice of a decision by the Director pursuant to LC 14.100 below shall contain:

(a) Identification of the application by Department file number.

(b) Identification of the contiguous property ownership involved by reference to the property address, if there is one, and to the Lane County Assessment map and tax lot numbers.

(c) Identification of the property owner and applicant.

(d) An explanation of the nature of the application and the proposed use or uses that could be authorized by the decision.

(e) A list of the criteria from Lane Code and the comprehensive plan that apply to the application and decision.

(f) The name of the Department representative to contact and the telephone number where additional information may be obtained.

(g) A statement that the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at the Department at no cost and copies will be provided at reasonable cost.

(h) A statement that a copy of the staff report is available for inspection at no cost and copies will be provided at reasonable cost.

(i) Identification of whether the decision is to approve or deny the application, a disclosure of any conditions of approval and the time and date on which the decision shall become final unless appealed.

(j) The deadline for and manner in which an appeal of the decision may be made.

(b) State that issues which may provide the basis for an appeal to the Oregon State Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. The notice shall state that issues must be raised with sufficient specificity to enable the Director to respond to each issue.

(c) List, by commonly used citation, the applicable criteria for the decision.

(d) Set forth the street address or other easily understood geographical reference to the subject property.

(e) State the place, date and time that comments are due.

(f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost.

(g) Include the name and phone number of a Lane County contact person.

(h) Provide notice of the decision to the applicant and any person who submits comments under LC 14.150(4)(a) above. The notice of decision must include an explanation of appeal rights.

(i) Briefly summarize the decision-making process for the limited land use decision being made. *(Revised by Ordinance No. 4-96, Effective 11.29.96)*

**14.160 Special Notice and Review Requirements for a Dwelling or Mobile Home Subject to Director Approval in the Exclusive Farm Use Zone, LC 16.212(3)(c).**

(1) When reviewing an application for a dwelling or mobile home conditionally permitted by LC 16.212(3)(c), the Director shall:

(a) In addition to the requirements of LC 14.050(3)(c), specify in the notice that "persons have 15 days following the date of postmark of the notice to file a written objection on the grounds only that the dwelling or mobile home, or activities associated with either residence, would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands devoted to farm use."

(b) In addition to the persons identified in LC 14.100(4) above, notice shall be mailed to persons who have requested notice of such applications and who have paid a reasonable fee imposed by the County to cover the cost of such notice.

(c) If an objection received within 15 days of the notice specifies that the residence or activities associated with it would force a significant change in or a significant increase in the costs of accepted farming practices in nearby lands devoted to farm uses, the application shall then be set for hearing pursuant to LC 14.300. *(Revised by Ordinance No. 4-96, Effective 11.29.96)*

**14.170 Special Notice Requirements When Sole Access to Land Includes a Railroad-Highway Crossing**

(1) If a railroad-highway crossing provides or will provide the only access to land that is the subject of an application for a land use decision, a limited land use decision or an expedited land division, the applicant must indicate that fact in the application submitted to the Planning Director.

(2) The Planning Director shall provide notice to the Department of Transportation and the railroad company whenever the Approval Authority receives the information described in LC 14.170(1) above. For the purposes of LC 14.170, "railroad company" has the meaning given that term in ORS 824.200 and includes every corporation, company, association, joint stock association, partnership or person, and their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, controlling or managing any railroad.



**16.090 Definitions.**

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

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

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

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

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

**Agriculture.** Synonymous with definition of "farm use."

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

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

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

(b) "Agricultural building" does not include:

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

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

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

(d) "Equine facility" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

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

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

(7) Wastewater solids; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cultured Christmas Trees. Means trees:

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

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (6) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- (7) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(x) and 215.283(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c) and ORS 215.283 (2)(a);
- (8) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- (9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- (10) Any land described under ORS 321.267(3) or 321.824(3);
- (11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and
- (12) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:
  - (a) Only the crops of the landowner are being processed;

(b) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

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

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

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

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

Department. The Lane County Department of Public Works.

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

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

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

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

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

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

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

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

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

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

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

Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil



development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

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

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

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

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

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

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

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

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

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

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

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

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

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

Farm Use. Means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes,

conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The above sites are also identified separately in LM 11.300.

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

Hydraulic. Related to the movement or pressure of water.

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

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

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

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

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

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

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

Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (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; 2-09, 1.8.10)*

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

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

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

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

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

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

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

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operations.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of the land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use.

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

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

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

(h) Caretaker residences for public parks and fish hatcheries.

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

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

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

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

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

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

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way

existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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

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

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

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

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

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

(f) Fire stations for rural fire protection.

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

(h) Aids to navigation and aviation.

(i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

(j) Reservoirs and water impoundment.

(k) Cemeteries.

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

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

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

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

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

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

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

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

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

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

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

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

(o) One temporary mobile home in conjunction with an existing dwelling or mobile home provided the following requirements are met:

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

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

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

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

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

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

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

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

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

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



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

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

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

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

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

(xii) Subject to LC 16.210(5)(d), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.210(5)(d), transportation facilities, services and improvements other than those listed in LC 16.210 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

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

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

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

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

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

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

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

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

(w) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

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

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

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

(aa) Temporary forest labor camps.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.210(5) below are met:

(a) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.210(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

(b) Firearms training facility.

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

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code, and

(ii) Only minor incidental and accessory retail sales are permitted.

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

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.210(3)(a)-(u) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.210(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) Transportation facilities and uses listed in LC 16.210(3)(q)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

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

(6) Siting Standards for Structures and Other Uses. The following siting standards shall apply to all structures and other uses as specified above in LC 16.210(3) and (4). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(6)(a)-(b) below shall be weighed together with the requirements in LC 16.210(6)(c) and (e) below to identify the building site.

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

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

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

(iii) Where possible, when considering LC 16.210(6)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

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

(v) Not closer than:

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

(bb) 10 feet from all other property lines.

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

(c) **Fire Safety Measures.** Residences, structures and roads shall comply with the following fire safety measures:

(i) **Fuel Breaks.** Fuel breaks around residences shall be maintained as follows:

(aa) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

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

**Size of the Primary Safety Zone by Percent Slope**

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

Building shall be restricted to slopes of less than 40 percent.

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

(ii) **Fire Suppression Water Supplies.** An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) **Chimneys and Roofs.** Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) **Domestic Water Supplies.** Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) **Fire Safety Design Standards for Roads and Driveways.** Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. An applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(6)(e). Evidence of compliance

with the standards specified in LC 16.210(6)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing at least six inches in depth of gravel or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, survey radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sacs shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.210(6)(e)(i)-(vi) are provided below in LC 16.210(6)(vii).

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.210(6)(e)(i). Hammerhead turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.210(6)(e)(ii). Railway flat bed cars of sufficient strength



to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.210(6)(e)(iv).

(7) Other Development Standards.

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

(b) Signs.

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

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

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

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

(a) 80 acres.

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

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

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

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

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

(d) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.210(8)(d)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel, or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under LC 16.210 based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.210(8)(d) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director shall maintain a record of parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(8)(d)(ii)(aa) and (bb), above. The record shall be readily available to the public.

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

(9) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

**PAGES 16-67 THROUGH 16-100  
ARE RESERVED FOR FUTURE EXPANSION**

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

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

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

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

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755.

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

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

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

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

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

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

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

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

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors,

separators and other customary production equipment for an individual well adjacent to the well head.

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

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

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

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

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

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

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

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

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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

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

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

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



(n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

- (a) Permanent logging equipment repair and storage.
- (b) Log scaling and weigh stations.
- (c) Private parks and campgrounds that comply with these requirements:
  - (i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;
  - (ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
  - (iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
  - (iv) Campsites may be occupied by a tent, travel trailer or recreational vehicle;
  - (v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites;
  - (vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and
  - (vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- (d) Public parks including those uses specified under OAR 660-034-0035.
- (e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (f) Fire stations for rural fire protection.
- (g) Utility facilities for the purpose of generating power that do not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.
- (l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.
- (n) Home occupations that comply with these requirements:

- (i) Shall be operated by a resident of the property on which the business is located;
- (ii) Shall employ on the site no more than five full-time or part-time persons;
- (iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;
- (iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;
- (v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;
- (vi) Shall comply with sanitation and building code requirements;
- (vii) Shall not be used as a justification for a zone change;
- (viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

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

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

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

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

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

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

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

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

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

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

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

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

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels;

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

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

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

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

(xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

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

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

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

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

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

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

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

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

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

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

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

(y) Temporary forest labor camps.

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

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

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

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

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

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

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

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

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

(i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

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

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

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

(i) The property owner provides:

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

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

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system.

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

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

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

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

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

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

(ii) The dwelling or manufactured dwelling has:

- (aa) intact exterior walls and roof structure;
- (bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (cc) interior wiring for interior lights; and
- (dd) a heating system.

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

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

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

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

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

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

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

(i) Is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre per year of wood fiber; and

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel on which the dwelling or manufactured dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

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

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

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

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

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

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

(a) "Owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

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

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

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

(i) Lawfully created; and

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

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

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

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

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

(ii) Is located within 1,500 feet of a public road that is maintained and either paved or surfaced with rock and that meets the following requirements:

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

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

(cc) Shall not be a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

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

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

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

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

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

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

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

(k) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

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

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

(c) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

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

(d) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel where the dwelling or manufactured dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(6)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

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

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

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

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

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

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

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

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

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

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

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

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

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

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural

Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

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

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

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

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

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

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

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

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

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

Size of the Primary Safety Zone by Percent Slope		
% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

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

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



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

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

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

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

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

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

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

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

(iii) **Chimneys and Roofs.** Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and

shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(8)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not less than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the

standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

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

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(9) Other Development Standards.

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

(b) Signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.211(10)(e)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel; or

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

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.211(10)(e) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director shall maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.211(10)(e)(ii)(aa) and (bb) above. The record shall be readily available to the public. (11) Youth Camps. The purpose of LC 16.211(11) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000. An application for a youth camp shall comply with these requirements:

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

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.211(11)(a) above;

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

(d) A campground as described in ORS 215.213(2)(c) above shall not be established in conjunction with a youth camp;

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



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

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

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

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

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

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

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

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

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

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

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

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

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

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

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

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

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

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

(aa) Fire prevention measures;

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

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

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

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

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

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

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

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

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the Oregon Department of Forestry and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

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

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04)*

PAGES 16-125 THROUGH 16-150  
ARE RESERVED FOR FUTURE EXPANSION

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

**16.212 Exclusive Farm Use Zone (E-RCP).**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(dd) Subclassification IVw, specifically, Coquille.

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

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

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

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

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

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

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

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

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

- (a) Farm Use (See the definition of "farm use" in LC 16.090).
- (b) Propagation or harvesting of a forest product.
- (c) Other buildings customarily provided in conjunction with farm use.
- (d) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- (e) Operations for the exploration for minerals as defined by ORS 517.750.
- (f) Creation of, restoration of, or enhancement of wetlands.
- (g) A winery that:
  - (i) Is a facility producing wine with a maximum production of less than 50,000 gallons and that:
    - (aa) Owns an on-site vineyard of at least 15 acres;
    - (bb) Owns a contiguous vineyard of at least 15 acres;
    - (cc) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or
    - (dd) Obtains grapes from any combination of the LC 16.212(3)(g)(i)(aa) through (cc) above; or
  - (ii) Is a facility producing wine with a maximum production of at least 50,000 gallons and no more than 100,000 gallons and that:
    - (aa) Owns an on-site vineyard of at least 40 acres;
    - (bb) Owns a contiguous vineyard of at least 40 acres;
    - (cc) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery; or
    - (dd) Obtains grapes from any combination of the requirements in LC 16.212(3)(g)(i) and (ii) above.
  - (iii) A winery described above in LC 16.212(3)(g)(i) or (ii) above shall only allow the sale of:
    - (aa) Wines produced in conjunction with the winery; and
    - (bb) Items directly related to wine, the sale of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
  - (iv) Prior to the issuance of a permit to establish a winery under LC 16.212(3)(g) above, the applicant shall show that vineyards, described in LC 16.212(3)(g)(i) or (ii) above have been planted or that the contract has been executed, as applicable.
  - (v) The Approval Authority shall adopt findings for each of the standards described in the above LC 16.212(3)(g)(i) or (ii). Standards imposed on the siting of a winery shall be limited solely to each of the following requirements for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:



(aa) Establishment of a setback of 100 feet from all property lines for the winery and public gathering places;

(bb) Provision of direct road access, internal circulation and parking; and

(cc) Notwithstanding LC 16.212(g)(v)(aa) above, a setback of less than 100 feet may be established provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.

(vi) The Approval Authority shall also apply the requirements in LC 16 regarding flood plains, geologic hazards, the Willamette River Greenway, airport safety or other regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

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

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

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

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

(l) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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

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

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

(p) On-site filming and activities accessory to onsite filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm

operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

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

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

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

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

(s) The breeding, kenneling and training of greyhounds for racing subject to compliance with the following requirements:

(i) New uses described in LC 16.212(3)(s) above are not permitted on high value farm land;

(ii) Lawfully existing uses described in LC 16.212(3)(s) above that are wholly within the Exclusive Farm Use zone may be expanded on the same tract; and

(iii) Notwithstanding LC 16.212(3)(s)(i) above, lawfully existing facilities described in LC 16.212(3)(s) above that are located on high value farmland may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

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

(u) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

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

(i) A public right of way;

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

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

(w) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(f-f) below.

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

(a) Home occupations that comply with these requirements:

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

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

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

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

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

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

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

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

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

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have

been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

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

- (cc) Lack of available urban and non-resource lands;
- (dd) Availability of existing rights of way;
- (ee) Public health and safety; and
- (ff) Other requirements of state and federal agencies.

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

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

(iv) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

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

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

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

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

- (i) LC 16.212(10)(f) through (g) below;
- (ii) Public parks shall include only those uses specified under OAR 660-034-0035; and
- (iii) A public park may be established consistently with ORS 195.120.

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

- (i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;
- (ii) Except on a lot or parcel contiguous to a lake or reservoir, uses described in LC 16.212(4)(k) above are not permitted within three miles of an urban

growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

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

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

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

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt; and

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iv) above, lawfully existing facilities described in LC 16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(l) Private hunting and fishing preserves that comply with these requirements:

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

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

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

filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

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

(ii) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the State Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.



(q) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020 and that comply with these requirements:

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

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(q)(i) above and (iv) below, lawfully existing facilities described in LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting facilities allowed on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

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

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses described in LC 16.212(4)(r) above shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(ii) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995; and

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety.

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65; and

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

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding that comply with these requirements:

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

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(w)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(w) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

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

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

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

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

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

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools, including all buildings essential to the operation of a school, that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iii) On land that is not high value farmland, new public or private schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

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

(ii) New destination resorts are not permitted on high value farm land.

(d-d) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings for its operation that complies with these requirements:

(i) Uses allowed by LC 16.212(4)(d-d) above are not permitted on high value farm land; and

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) above, lawfully existing facilities described in LC 16.212(4)(d-d) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(e-e) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

(i) Uses allowed by LC 16.212(4)(e-e) are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(e-e)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(f-f) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and that comply with these requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(g-g) Armed forces reserve center, if the center is within one half mile of the main campus of a community college. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility.

(h-h) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community and that comply with LC 16.212(10)(f) through (g) below.

(i-i) Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "Golf Course" means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course or that provides goods or services customarily provided to golfers at a golf course. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

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

(iii) Uses allowed by LC 16.212(4)(i-i) above are not allowed on high value farm land;

(iv) Notwithstanding LC 16.212(4)(i-i)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(i-i)(ii) above, but shall not be expanded to contain more than 36 holes.

(j-j) Commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

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

(ii) On high value farm land, the power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(j-j) above are allowed subject to compliance with ORS 469.504.

(k-k) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in

compliance with rules adopted under ORS 468B.095, and subject to compliance with these requirements:

- (i) Allowable uses include:
  - (aa) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;
  - (bb) The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;
  - (cc) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:
    - (A) A public right of way; or
    - (B) Other land if the land owner provides written consent and the owner of the facility complies with ORS 215.275(4); and
  - (dd) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to the land;

- (ii) Uses not allowed include:
  - (aa) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or
  - (bb) The establishment and use of utility service lines allowed under LC 16.212(3)(r) above; and
  - (iii) If biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright, and a state or Lane County license, permit or approval in connection with the use is not a land use decision.

(1-l) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.

(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland. The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) The alteration, restoration, or replacement in the same location of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

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

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

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling shall be sited in the same location as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) In the case of replacement, the new dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling;

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

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

(vii) Land use approval of a permit described in LC 16.212(5)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(a)(vii) above may be made and approved pursuant to LC 14.700(2).

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

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

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

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

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, shall execute and record in the Lane County deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall

be irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The release shall be signed by the Director and state that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

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

(v) The dwelling to be replaced for which the applicant has requested a deferred replacement permit, shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

below; and

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

(vii) Land use approval of a permit described in LC 16.212(2)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(b)(vii) above may be made and approved pursuant to LC 14.700(2).

(c) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

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

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(7)(a).

(d) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of



the resident is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

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

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

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

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

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

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years;

(ii) Except as permitted in ORS 215.213(1)(r)(1999 Edition) for seasonal farm worker housing, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(b)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (j) below.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling;

or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

(B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings approved under LC 16.212(6)(b)(ii)(cc)(B) above to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required; or

(C) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above.

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five

years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(e) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

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

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development

trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v). The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

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

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on

surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned a farm or ranch operation that earned \$80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(6)(f)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$80,000 in gross farm income in the last two years or three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(7) Allowable Residential Uses On Land That Is Not High Value Farmland.

The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years or three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

(vi) LC 16.212(10)(h) and (i) below.

(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

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

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(c) above is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

(ii) The lot or parcel where the dwelling will be located:

(aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;

(bb) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or

(cc) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and

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

(e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or

(iii) The accessory farm dwelling will be located on:

(aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to

another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

(B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings approved under LC 16.212(7)(e)(iii)(bb)(B) above to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(C) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above.

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:



(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and

(vii) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$32,500 (the mid point of the median income range of gross annual sales

of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned a farm or ranch operation that earned \$32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$32,500 in gross farm income in the last two years or three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

(d) Farm Group.....	Size
Cash grains .....	120 acres
Field crops (includes grass seed production).....	160 acres
Tree fruit and nuts.....	40 acres
Horticultural specialties .....	20 acres
General farm, primarily crop .....	320 acres
Extensive animal grazing.....	120 acres
Intensive animal husbandry .....	40 acres
Dairy farm.....	240 acres
General farm, primarily livestock.....	80 acres
Berries and grapes .....	20 acres
Vegetables and melons .....	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25 .....	25 acres
E-30 .....	30 acres
E-40 .....	40 acres
E-60 .....	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

- Land preparation.
- Ripping and plowing.
- Fencing.
- Surveying.
- Crop cultivation.
- Irrigation.
- Herbicide; fungicide and/or fertilizer application.
- Machinery.
- Accessory farm buildings.
- Breeding and livestock raising concerns.
- Labor.
- Projected expenses associated with the above.
- Date by which the farm management plan would be substantially

implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

- (ii) Any additional tax imposed for the change in use has been paid; and
- (iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (t), (u), (v), (x), (y), (e-e), (g-g), (i-i), (j-j) and (n-n) above.
- (d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:
- (i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;
- (ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;
- (iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;
- (iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;
- (v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;
- (vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;
- (vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and
- (viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.
- (e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:
- (i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;
- (ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;
- (iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;
- (iv) The parcels for the non-farm dwellings are:
- (aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and
- (bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

(i) The parcel is not larger than the minimum size necessary for the use;

(ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and

(iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

(i) The church has been approved under LC 16.212(4)(u) above;

(ii) The newly created lot or parcel is not larger than five acres;

(iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

(i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;

(ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;

(iii) A parcel created pursuant to this subsection that does not contain a dwelling:

(aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(bb) May not be considered in approving or denying an application for siting any other dwelling;

(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.  
 (bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings to be sited upon all other tracts shall be sited as follows:

(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

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

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

(e) Signs.

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

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

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

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the

covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02; 10-04, 6.4.04; 5-04, 7.1.04)*



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ARE RESERVED FOR FUTURE EXPANSION**

**NATURAL RESOURCE ZONE (NR-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.213 Natural Resource Zone (NR-RCP).**

(1) Purpose. The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

- (a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;
- (b) Watersheds and their streams or lakes are used for domestic water supplies;
- (c) Vegetative cover is essential to maintain soil stability and prevent erosion;
- (d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and
- (e) Scenic quality or vistas or open space is unique and/or irreplaceable.

(2) Permitted Buildings and Uses. In the NR Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this subsection, subject to the general provisions and exceptions set forth:

(a) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.

(i) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.

(ii) Picnicking areas, day parks and playgrounds.

(iii) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State and Local fish and game regulations) and hiking and horseback riding.

(b) Fish and wildlife habitat management and the propagation of fish and wildlife.

(c) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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

(3) Special Uses - Director Approval. The following uses are subject to approval by the Director pursuant to LC 14.100:

(a) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker or operator in conjunction with use permitted in the district.

(4) Special Uses - Hearings Official Approval. The following uses are subject to approval by the Hearings Official pursuant to LC 14.300:

- (a) Piers and boat houses.
- (b) Single family dwelling or mobile home and accessory structures.
- (c) Farm uses as defined by ORS 215.203(2), and any accessory uses.
- (d) Forest uses and any accessory uses.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.213(4) above are subject to compliance with the following criteria:

(a) (i) Evidence is provided supporting reasons why the proposed use should be sited in a natural resource area.

(ii) That the proposed site is on land generally unsuitable for natural resource uses.

(b) That the proposed use will not significantly impact natural resource uses on adjacent and nearby natural resource lands, and will not significantly impact natural resources on the site of the proposed uses;

(c) That the proposed use will not significantly increase the costs of natural resource management on adjacent and nearby natural resource lands.

(d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;

(e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby NR zoned lands, and these measures may be established as conditions of approval; and

(f) That the proposed use is consistent with the policies contained in the Rural Comprehensive Plan and the purpose of the NR zone.

(6) Property Development Standards. All uses or activities permitted or conditionally permitted above, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

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

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within wetlands or within the riparian setback area designated for riparian vegetation protection by the rural comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable. *(Revised by Ordinance No. 7-87; Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04)*

**MARGINAL LANDS ZONE (ML-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.214 Marginal Lands Zone (ML-RCP).**

- (1) Purpose. The Marginal Lands Zone (ML-RCP) is intended to:
- (a) Provide an alternative to more restrictive farm and forest zoning.
  - (b) Provide opportunities for persons to live in a rural environment and to conduct intensive or part-time farm or forest operations.
  - (c) Be applied to specific properties consistently with the requirements of ORS 197.005 to 197.430 and the policies of the Lane County Rural Comprehensive Plan.
- (2) Permitted Uses. The following uses are permitted subject to the general provisions and exceptions specified by this Chapter of Lane Code:
- (a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.
  - (b) A dwelling or mobile home on a vacant legal lot created pursuant to the requirements of LC 16.214(6) below.
  - (c) One mobile home in conjunction with an existing dwelling or mobile home on the same legal lot as the existing dwelling or mobile home as a temporary use for the term of a hardship suffered by the existing resident or a relative of the existing resident subject to compliance with the following conditions:
    - (i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.
    - (ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.
    - (iii) Satisfactory evidence of the family member's hardship is furnished which shall include:
      - (aa) A written statement, on a form provided by the Department, from the family member's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.
      - (bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.
      - (iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home.
      - (v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.
      - (vi) The temporary mobile home will comply with sanitation and building code requirements.
      - (vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.
  - (d) Part-time farms.
  - (e) Woodlots.
  - (f) Intensive farm or forest operations, including, but not limited to, farm use.
  - (g) Nonresidential buildings customarily provided in conjunction with farm use.

(h) Public or private schools, including all buildings essential to the operation of a school.

(i) Churches.

(j) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for use by public sale.

(k) Operations for the exploration of geothermal resources as defined by ORS 522.005.

(l) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment and facilities or buildings necessary for its operation.

(m) The propagation or harvesting of a forest product.

(n) Community centers owned and operated by a governmental agency or a nonprofit organization, hunting and fishing preserves, parks, playgrounds and publicly owned campgrounds.

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

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, and approval of the application pursuant to LC 14.100 and compliance with the criteria and provisions of this Chapter of Lane Code.

(a) Privately owned campgrounds.

(b) Golf courses.

(c) Commercial utility facilities for the purpose of generating power for public use by sale.

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

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

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

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.214(2) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.214(2) above.

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

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

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

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the

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

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(f) The boarding of horses for profit.

(g) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.

(h) Commercial activities that are in conjunction with farm use including the commercial processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use or pursuant to LC 16.214(3)(j) below.

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

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

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

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

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

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

(k) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) and LC 16.214(4) below.

(4) Criteria for Director Approval. Uses specified in LC 16.214(3) and (4) may be allowed if found to comply with the following criteria:

(a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(d) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(5) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300 and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:

(a) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate or other mineral resources or other subsurface resources.

(6) Area. Land in a Marginal Land zone may be divided as follows:

(a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197.

(b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197.

(c) A parcel of any size necessary to accommodate any of the nonresidential uses identified in LC 16.214(2)(h),(i),(j),(1) and (n) and LC 16.214(3)(a), (c),(f) and (g).

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

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

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

(d) **Height.** None.

(e) **Signs.**

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

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

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

(f) **Parking.** Off street parking shall be provided in accordance with LC 16.250.

(8) **Telecommunication Towers.** Notwithstanding the requirements in LC 16.214(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-91, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*



**HISTORIC STRUCTURES OR SITES COMBINING ZONE (H-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.233 Historic Structures or Sites Combining Zone (/H-RCP).**

(1) Purpose. By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This section is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

(2) Permit Required. No person may alter or demolish any Historic Structure or Site, unless a permit to do so has been issued by the Department upon review in accordance with the provisions of this section.

(3) Issuance of Permits. An application for a permit to alter or demolish an Historic Structure or Site shall be made by the owner, or his or her authorized agent, in the same manner as provided for in this Chapter for any building permit. The application shall be referred to the Planning Director by the Building and Sanitation Division.

(4) Planning Director Review. The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with LC 16.233(5) below. The application shall be processed in the manner provided for in LC 14.100. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.

(5) Criteria.

(a) A permit to demolish a Historic Structure shall be approved only upon submission of evidence that the following criterion is met: Every reasonable effort shall be made to maintain the Historic Structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(b) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(i) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(ii) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

(6) Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(a) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(b) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

(c) All designated buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance should be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its

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environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.238 Prime Wildlife Shorelands Combining Zone (/PW-RCP).**

(1) Purpose. The Prime Wildlife Shorelands Combining Zone (/PW-RCP) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species or a diversity of wildlife species. Lands in this zone serve to protect wildlife habitat, water quality, bank stability and provide flood control. The /PW RCP Zone is applied to areas of riparian vegetation and to the habitat limits of specific species of concern.

The /PW-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /PW-RCP Zone that require protection beyond that provided by the zone or zones with which the /PW-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /PW-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /PW-RCP Zone is combined. Where the requirements of the /PW-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /PW-RCP Zone by the Preliminary Investigation specified by LC 16.238(9) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /PW-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Dredged material disposal when the /PW-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(f) Shore-secured floating moorages, mooring buoys, multipurpose-multifamily, piling-docks and piers, dolphins and other moorage facilities in adjacent lakes and Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /PW-RCP Zone based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the following specified uses and no others are subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zone.

(ii) Criteria. All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /PW-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.238(6), (7) and (8) below.

(ii) Criteria and Conditions.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(dd) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(ee) All otherwise applicable requirements of this section are met.

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary.

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /PW-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(dd) (I) Uses. All buildings and uses allowed as permitted uses in the respective zone or zones with which the /PW RCP Zone is combined, subject to the requirements of this section, except as expressly prohibited by LC 16.238(5) below.

(ii) Criteria.

(aa) Maintain the natural quality of surface and subsurface waters.

(bb) Maintain bank stability.

(cc) Avoid sedimentation of coastal waters.

(dd) Maintain a shore-front zone of riparian vegetation at least comparable to that required in LC 16.238(6), (7) and (8) below or greater, if necessary, to provide flood control and preserve important riparian wildlife habitat.

(ee) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

(ff) Any other applicable criteria provided within the respective zone within which the /PW-RCP Zone is combined.

(gg) All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(d) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

## (ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(e) (i) Uses. All buildings and uses permitted conditionally or by special use permit in the respective zone or zones with which the /PW-RCP Zone is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 16.238(5) below.

## (ii) Criteria.

(aa) Maintain the natural quality of surface and subsurface waters.

(bb) Maintain bank stability.

(cc) Avoid sedimentation of coastal waters.

(dd) Maintain shore-front zone of riparian vegetation at least comparable to that required in LC 16.238(6), (7) and (8) below or greater, if necessary, to provide flood control and preserve important riparian wildlife habitat.

(ee) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

(ff) Any other applicable criteria provided within the respective zone within which the /PW-RCP Zone is combined.

(gg) All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

## (ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-living type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigations specified by LC 16.238(9) below, the following uses are specifically prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in Lane County Rural Comprehensive Plan.

(c) New piling-type piers of any descriptions when adjacent to a Natural Estuary Zone (NE-RCP).

(d) Dredged material disposal.

(6) Site and Development Requirements. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a) above. Where vegetation removal beyond that allowed in LC 16.238(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /PW-RCP Zone is combined.

(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).

(f) The shoreward half of the setback area specified by LC 16.238(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7) below.

(i) All trees must be retained within the setback area specified by LC 16.238(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

(k) The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.

(l) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /PW-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h) above.

(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development:

(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(ii) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.

(iii) Minimum area requirements for the division of land shall be based on the minimum parcel size in the zone with which the /PW-RCP Zone is combined, or five acres, whichever is greater.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and the floodway fringe.

(ii) Land lying between the mean high, high water and mean low water mark of coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone (LC 16.243) would be inadequate to protect water quality, water temperature or shoreland stability.

(c) Natural or human-made riparian resources. These lands are as follows:

(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

(aa) Shading of coastal water body.

(bb) Stabilization of shoreline.

(cc) Habitat for rare or endangered wildlife species.

(dd) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat, composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(10) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(11) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /PW-RCP Zone and shall set forth the basis for the determination based on the criteria specified in LC 16.238(9) above.

(12) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.

(13) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(14) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(e) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.



(15) Application of Zone to Federal Lands. The application of the /PW-RCP Zone shall be held in abeyance until such time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 3-96, 11.29.96)*

**BEACHES AND DUNES COMBINING ZONE (/BD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.243 Beaches and Dunes Combining Zone (/BD-RCP).**

(1) Purpose. The Beaches and Dunes Combining Zone (/BD-RCP) is intended to be used in conjunction with the underlying zones in all coastal beach and dune areas in order to:

(a) Ensure the protection and conservation of coastal beach and dune resources.

(b) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

(c) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

(d) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.

(e) To provide for such protection of beach and dune resources above and beyond that provided by the underlying zone.

(2) Intent. The requirements imposed by the /BD-RCP Zone shall be in addition to those imposed by the underlying zone. Where the requirements of the /BD-RCP Zone conflict with those of the underlying zone, the more restrictive requirements shall apply.

(3) Permitted Uses. All permitted buildings and uses allowed in the respective zone with which the /BD-RCP Zone is combined, except as may be provided otherwise by the provisions of LC 16.243(4) below.

(4) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria:

(a) (i) Uses. Beachfront protective structures.

(ii) Criteria.

(aa) The structure is to protect development existing on

January 1, 1977.

(bb) Visual impacts are minimized.

(cc) Public access is preserved.

(dd) Negative impacts on adjacent property are minimized.

(ee) Long-term or recurring costs to the public are avoided.

(b) (i) Uses. Buried fuel tanks.

(ii) Criteria.

(aa) The tanks are entirely free of leaks and have an impermeable coating.

(bb) The tank is located, to the greatest extent feasible, in a well-drained area.

(cc) The tank is not located in active foredunes, on other conditionally stable foredunes which are subject to ocean undercutting or wave overtopping, and on deflation plains subject to ocean flooding.

(c) (i) Uses. Commercial removal of sand.

(ii) Criteria.

(aa) The area is not an ocean beach.

(bb) Historic surplus accumulations of sand exist.

(cc) A Site Investigation Report, as determined by the outcome of a Preliminary Investigation pursuant to LC 16.243(10) below.

(dd) Removal of surplus sand can be accomplished without significant impairment of the natural functions of the beach and dune system, and hydraulic processes according to the Site Investigation Report.

- (d) (i) Uses. Foredune breaching.  
(ii) Criteria and Conditions.

(aa) The breaching is required to replenish sand supply in interdune areas; or

(bb) Emergencies on a temporary basis.

(cc) Such breaching does not endanger existing development.

(dd) The breaching does not adversely impact critical wildlife

habitat.

(ee) The areas affected by the breaching are restored.

- (e) (i) Uses. Commercial drift log removal from beaches.  
(ii) Criteria.

(aa) The removal will result in significant public benefit, improved recreational access, improved scenic values or protection of wildlife habitat.

(bb) The removal will not result in increased beach or foredune erosion which will endanger existing development.

- (f) (i) Uses. Jetties on beach areas.  
(ii) Criteria.

(aa) Adverse impacts on existing beach and shoreline development are minimized.

(bb) Public need is demonstrated.

(g) (i) Uses. All buildings and uses allowed conditionally or by special use approval in the respective zone with which the /BD-RCP Zone is combined.

- (ii) Criteria and Conditions.

(aa) Applicable criteria provided within the respective zone with which the /BD-RCP Zone is combined.

(bb) All other provisions of this section.

(5) Prohibited Development Areas. No development, with the exception of minimal development, shall be permitted on the following dune landforms:

- (a) Beaches, except as provided for in LC 16.243(4)(a) above.  
(b) Foredunes, if subject to wave overtopping or ocean undercutting.  
(c) Active dune forms.  
(d) Nearshore deflation plain. The prohibition of development of active

dune areas is not intended to prohibit the stabilization of open sand areas with appropriate pioneer and successional species, thereby removing these lands from the active dune classification.

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special permit review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement of similar type of authorization.

(7) Coastal Shore Setback Requirements. Any development, with the exception of development provided for as special uses in LC 16.243(4)(a) above, which is permitted adjacent to ocean beaches must be setback from the mean high tide line a minimum of 50 feet measured horizontally. This setback may be increased if the Preliminary Investigation indicates hazard to the site due to:

- (a) Low elevation of the site with respect to potential for wave action.
- (b) Instability of dune landforms protecting the site from wave action.

(8) Additional Site and Development Requirements. The following requirements apply to all development, except the harvesting of timber as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:

(a) Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.

(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

(c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(7)(a) above shall be replanted within nine months of the termination of major construction activity.

(d) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(e) Development shall result in the least topographic modification of the site as is possible.

(f) Slopes in excess of 25 percent shall be prohibited from development.

(g) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.

(h) The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the respective zone with which the /BD-RCP Zone is combined, unless specifically provided otherwise by the provision of the /BD-RCP zone.

(9) Area Requirements. The minimum area for the division of land may be increased where the requirement otherwise is insufficient to meet the following standards:

(a) Environmental Quality Commission nitrate nitrogen loading standards for subsurface sewage disposal.

(b) No more than five percent impermeable surface shall be allowed.

(10) Preliminary Investigation Required. Any proposal for development, with the exception of minimal development or timber harvesting activities as permitted by the respective zone with which the /BD-RCP zone is combined, shall require a Preliminary Investigation (Development Hazards Checklist) by the Planning Director to determine:

(a) The dune landform(s) present on the site.

(b) Hazards associated with the site.

(c) Hazards presented by adjacent sites.

(d) Existence of historical or archeological sites.

(e) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.

(f) Potential development impacts, including cumulative impacts.

(g) If a full or partial Site Investigation Report shall be required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

(11) Fee for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(12) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

(13) Notification of SIR Requirement. The Planning Director shall notify the applicant of the results of the Preliminary Investigation and if a SIR shall be required. The notification shall be by mail within 10 days of completion of the Preliminary Investigation.

(14) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(15) Qualifications for SIR Preparation. The SIR shall be prepared by a person or team of persons qualified by experience, training and area. The applicant shall either:

(a) Choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, and approved by the Board of County Commissioners; or

(b) Designate a person or team of persons to prepare the SIR with said persons' qualifications, subject to the approval of the Planning Commission, based on standards established by the Board of County Commissioners.

(16) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

(17) Condition Imposed Based on SIR Recommendations. Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development for the purposes of safety, health, welfare and in keeping with the purpose of the /BD-RCP Zone.

(18) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.500.

(19) Applicable Geographical Features. The /BD-RCP Zone is applied to all coastal beach and dune landforms as specified in the Lane County Rural Comprehensive Plan. These are:

- (a) Beaches.
- (b) Foredunes.
- (c) Active dune forms.
- (d) Recently stabilized dune forms.
- (e) Older stabilized dune forms.
- (f) Interdune forms.

The boundaries of the /BD-RCP Zone are shown on the Lane County zoning maps as specified by LC 16.252.

(20) Application of Zone to Federal Lands. The application of the /BD-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96)*

**AIRPORT SAFETY COMBINING ZONE (/AS-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.246 Airport Safety Combining Zone (/AS-RCP).**

(1) Purpose. The Airport Safety Combining Zone (/AS-RCP) is applied to those lands adjacent to the Creswell Airport (Hobby Field), the Cottage Grove Airport, the Oakridge Airport, the McKenzie Airport and the Florence Airport. The /AS-RCP Zone is intended to safeguard land uses adjacent to these airports from noise and hazards associated with aircraft operations and to protect existing use and potential expansion of the airport itself from incompatible development. Specifically, the /AS-RCP Zone is intended to carry out the following purposes:

(a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.

(b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.

(c) Restrict new development of land uses not normally compatible with noise and safety hazards associated with airport operations.

(2) Applicability. The /AS-RCP Zone is applied to those lands adjacent to the Creswell Airport, the Cottage Grove Airport, the McKenzie Airport, the Oakridge Airport and Florence Airport which are encompassed by the surfaces set forth and described in LC 16.246(5) below and diagramed in LC 16.246(9) below. For purposes of this Chapter, the elevations of the five runways are established as follows:

(a) Cottage Grove - 641 feet above sea level.

(b) Creswell - 535 feet above sea level.

(c) Florence - 12 feet above sea level.

(d) Oakridge - 1419 feet above sea level.

(e) McKenzie - 1620 feet above sea level.

(3) Use Limitations. In a /AS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /AS-RCP Zone is combined.

(a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /AS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the surfaces described in LC 16.246(5) below. Areas located in more than one of the described surfaces shall be subject to the most restrictive (i.e., lowest) surface.

(b) All structures and uses within the /AS-RCP Zone shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor. No use may be made of land or water in such a manner as to create electrical interference with navigation signals or radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.

(c) All structures and uses within this combining district shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor, and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane County Ordinance No. 105, or successor, regulating structure height, lights, glare

producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(4) Uses Prohibited. The area lying beneath the Approach Surface beginning at the end of the Primary Surface and extending outward a horizontal distance of 1,000 feet shall be considered to be a clear zone. Within this clear zone, no structure or object, except for fences and navigational aids approved by the airport operator, shall be erected, placed, altered, allowed to grow or be maintained above the surface of the ground.

(5) Surface Described.

(a) Approach Surface. A surface longitudinally centered on the runway centerline, extending outward and upward from the ends of the Primary Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 5,000 feet and widening from the width of 250 feet to 1,250 feet at its outer edge.

(b) Conical Surface. A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 4,000 feet. This surface rises from 150 feet above the runway and extends to a height of 350 feet above the runway.

(c) Horizontal Surface. A horizontal plane 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines.

(d) Primary Surface. The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of the prepared runway surface and having a width of 250 feet. For purposes of this section, the Primary Surface shall be considered as having the same elevation as its respective runway as the same are specified in LC 16.246(2) above. The centerpoints at the ends of each Primary Surface shall be considered as having the following coordinates:

	<u>North Coordinate</u>	<u>East Coordinate</u>
Cottage Grove Airport	787358	1331306
	790828	1331606
Creswell Airport	833934	1339698
	836415	1339781
Oakridge Airport	766146	1472836
	767325	1469017
McKenzie Bridge Airport	920159	1582521
	920810	1585438
Florence Airport	868731	1050341
	869823	1049883

(e) Transitional Surfaces. These surfaces extend outward at 90 degree angles from the sides of the Primary Surface and Approach Surface at a slope of one horizontal foot to seven vertical feet to their intersection with the Horizontal Surface. This surface extends to a height of 150 feet above the runway.

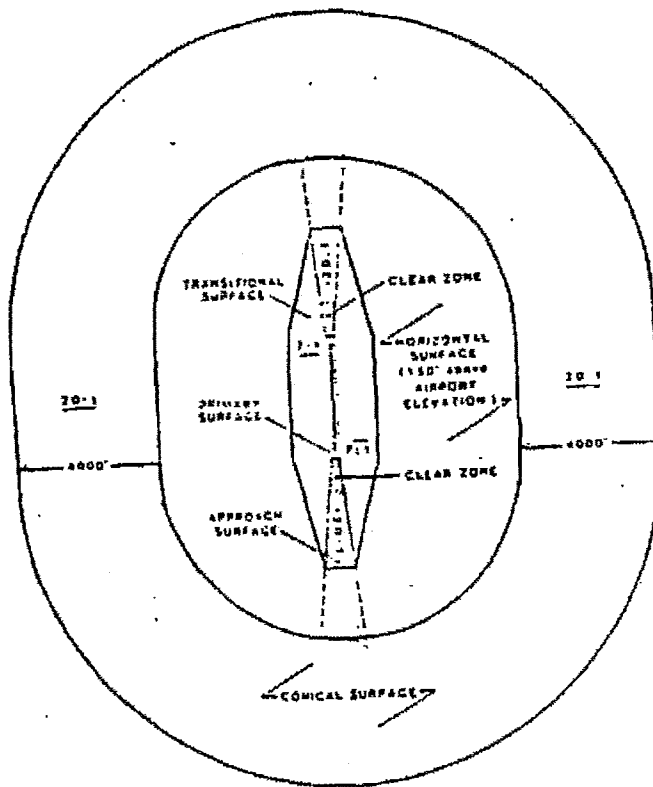
(6) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the airport operator to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the airport operator.

(7) Special Requirements for Construction Permits. Within the area beneath the Approach Surface, no construction permit shall be issued for any building, mobile home or other structure designed and intended for human occupancy until the property

owner has agreed to waive action against the County and the airport for noise, property damage or personal injuries resulting from activities connected with the airport. Such waiver shall apply only when such activities are conducted in conformance with rules and regulations of the airport and applicable Federal and State air regulations and no negligence on the part of the County or the airport is involved. The waiver shall be in a form prescribed by the Planning Director and shall be binding on the grantees, their heirs, assigns and successors in title.

(8) Area. Established by underlying, parent zone.

(9) Surfaces Diagrammed. The surfaces described in LC 16.246(5) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87, Effective 6.17.87; 10-04, 6.4.04)*





**16.250 Parking Areas.**

Required garages and parking areas for residential and industrial development will be found under the zoning classification.

(1) Residential Properties. The regulations of this subsection are in addition to off street parking requirements of specific zones.

(a) When a single-family residence is located on a site inaccessible by automobile due to topographic conditions or excessive grades, a private garage or parking space shall not be required.

(b) Unless otherwise allowed by the zone, and exclusive of recreational vehicles, off street parking shall be limited to passenger cars, vans and pickups of not more than one ton manufacturer's capacity rating or comparable size. This size limitation does not apply to vehicles being used in conjunction with Rural Home Occupations.

(c) Commercial vehicles other than allowed by LC 16.250(b) above may be parked on residential properties only for reasonable periods of time for deliveries, structural repair and similar purposes.

(d) Recreational or utility vehicles, including, but not limited to, boats and boat trailers, campers and residential-type utility trailers, shall not be parked or stored on the property at any time in a location obstructing motorists' vision clearance of roadways.

(e) Unless otherwise allowed by the zone, off street parking areas shall not be used for the dismantling of any vehicle for the purpose of selling, trading or dealing in any manner with components thereof as a primary or secondary business.

(f)

(i) Inoperable vehicles and parts thereof, junk or salvage materials may be visibly stored on the premises unless such storage interferes with the reasonable use and enjoyment of other lots within 300 feet of the lot use for storage. In that event, all automotive parts, junk, salvage material and all but one inoperable vehicle shall be stored in a location not visible from any adjacent road or from ground level of lots within 300 feet which are of similar elevation as the lot upon which the storage is taking place, or shall be screened to prevent such visibility. The allowable inoperable vehicle may be stored within the structural setback area, but shall not be parked or stored at any time in a location obstructing motorists' vision clearance of roadways. Nothing in this subsection shall be construed as allowing storage within the front structural setback area except as otherwise allowed herein.

(ii) Names of residents filing complaints under provisions of LC 16.250(1)(f)(I) above shall be a matter of public record.

(g) Except as allowed by this Chapter, vehicles belonging to persons other than those residing on the lot shall not be stored or repaired for remuneration, traded, sold or offered for sale from the property. This includes vehicles left on consignment and vehicles owned temporarily primarily for resale. The sale of more than two vehicles per family member from one lot within a 12-month period shall be interpreted as "temporary ownership" unless the family member has owned said vehicles longer than 12 months.

(h) Storage of refrigerators, freezers or other airtight compartments containing more than one and one-half cubic feet shall not occur at any time until the doors have been removed or secured, latches removed or other precautions taken so the compartment can be easily opened from the inside. Any appliance stored in violation of this subsection may be removed by the County from the premises and stored elsewhere at the owner's expense, or other remedial action taken to secure immediate compliance.

(2) Nonresidential Private Parking.

(a) Automobile parking space allowing 300 square feet per automobile (parking, plus driving space) shall be provided and maintained for any new or enlarged building as listed below:

(i) Churches, auditoriums, theaters, stadiums, clubs and business schools or similar places of assembly, at least one permanently maintained parking space for every four seats provided in said building or structure; provided that 50 percent of the required number may be supplied by off street parking facilities for other kinds of commercial establishments or uses not normally open, used or operated during the principal operating hours of the place of assembly.

(ii) For hotels and apartment hotels, at least one permanently maintained parking space for each of the first 20 individual guest rooms, and one additional parking space for every three guest rooms in excess of 20.

(iii) Auto courts shall provide at least one parking space for each lodging unit.

(iv) For fraternity, sorority and student houses, at least one parking space for each lodging unit.

(v) For hospitals and welfare institutions, at least one permanently maintained parking space for each 300 square feet of floor area.

(vi) Clinics shall provide at least two parking spaces for each consultation and operating room.

(vii) For business or commercial buildings or structures, at least one permanently maintained parking space for every 300 square feet or fraction thereof of floor space within the building, exclusive of automobile parking space.

(viii) Mortuaries shall provide parking spaces for all people employed therein, plus at least one parking space for each 200 square feet of building floor area.

(b) Parking spaces shall be on the lot with the main building or structure, or located not more than 800 feet there from.

(3) Loading Space. In addition to the 10-foot setback requirement from the centerline of the alley, every hospital, hotel, institution, commercial or industrial building hereafter erected or established which abuts upon an alley or is surrounded on all sides by streets shall have one permanently maintained loading space for commercial vehicles of not less than 10 feet in width and 22 feet in length for each 4,000 square feet of lot area or fraction thereof upon which the building is located; provided that not more than two such loading spaces shall be required.

(4) Public Parking Areas. Land hereafter used for public parking areas shall be developed according to the following standards:

(a) Asphaltic, concrete or other approved type of surfacing.

(b) Bumper guards where needed.

(c) An ornamental fence, wall or hedge enclosing the parking area to a height not less than three feet nor more than six feet, but adhering to the vision clearance and front and side yard setbacks established for the zone district in which it is located. Said fence, wall or hedge shall be maintained in good condition.

(d) When a parking lot adjoins property classified in an "R" Zone, the setback for the parking lot shall conform to the requirements for the adjacent "R" Zone and the ornamental fence, wall or hedge between the "R" Zone and the parking lot shall be six feet in height.

(5) Height.

(a) Height limits established for the various zones refer to the height of the building proper. Roof structures, such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures, may exceed the height limit herein prescribed.

(b) On lots sloping downhill from the street, buildings may have an additional story; provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.

(6) General Building Setback Requirements.

(a) Side Yard.

(i) No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the Zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

(ii) Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height.

(7) General Lot Area and Width Requirements.

(a) The site area requirements of Chapter 16 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the E-RCP, F-1, RCP and F-2, RCP Zones, where use of preexisting parcels is provided for in a different manner.

(b) The minimum area requirements of Chapter 16 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by State law, State rules and regulations, the provisions of this Code, or other County rules and ordinances.

(c) Refer also to LC 13.050 to 13.105 Design and Development Standards for other lot area, width and depth requirements which may be applicable. .  
(Revised by Ordinance 7-87, Effective 6.17.87)

**PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO  
REQUIREMENTS  
RURAL COMPREHENSIVE PLAN**

**16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.**

(1) Purpose. As the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be required. Such Amendments shall be made in accordance with the procedures of this section.

(2) Criteria. Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.

(3) Initiation/Application.

(a) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board as provided in LC 16.252(3)(b) below.

(b) By Board. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board in the form of a request to the Planning Commission that it consider the proposed zoning, rezoning or amendment.

(c) By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050.

(4) Moratorium on Permits and Applications -- Legislative Matters.

(a) After any matter for zoning, rezoning or amendment to this chapter affecting particular property has received tentative action by the Board, but has not yet

become final and effective, no Zoning, Land Division or Building Code Application or request shall be accepted, granted, issued or approved, except as herein provided.

(b) After such final action, granting of subsequent Applications or requests shall be in accordance with the requirements of the zoning classification or requirements as amended by the final action.

(c) The provisions of this subsection shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing zoning requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map or subdivision plat.

(5) Planning Commission Public Hearing and Notice -- Legislative Matters.

(a) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.

(b) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.

(c) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 16.252(2) above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board accordingly that the proposal be adopted or rejected. The Planning Commission and Board may hold one concurrent hearing.

(6) Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300.

(7) Action by the Board.

(a) Unless the Board and Planning Commission hold a concurrent hearing, upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 16.252(6) above, the Board shall schedule a public hearing as provided in LC 16.252(7)(b) below. The Board may schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.

(b) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board may first refer the proposed alteration or modification to the Planning Commission or Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

(8) Conditional Approval. The approving authority may impose reasonable conditions if the application is approved to be completed within one year.

(9) Official Zoning Map.

(a) The location and boundaries of the various zones established by this chapter shall be shown and delineated on maps covering portions of the County. These maps, upon their final adoption, shall be known as the Official Zoning Map.

(b) The Zoning Map shall be established by ordinance. Subsequent amendments to the Official Zoning Maps, either for establishing zoning for previously unzoned property or for rezoning may be made by Ordinance or Order of the Hearing Authority in accordance with the provisions of LC 16.014, LC 16.015, and this section.

(10) Error in Legal Description. Notwithstanding any other provision in this chapter, where the sole basis for a zoning or rezoning, whether initiated by Application, the Planning Commission or the Board, is an error in a legal description in the Ordinance or Order zoning or intended to zone the property, the zoning or rezoning shall be referred to the Planning Director for investigation and a report. After such investigation and report, the zoning or rezoning shall be considered in accordance with the procedures for hearings provided in LC 16.252(5) and (6) above. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-08, 7.11.08)*

**CLEAR LAKE WATERSHED  
PROTECTION ZONE (CLWP-RCP)**

**16.258 Clear Lake Watershed Protection Zone (CLWP-RCP).**

(1) Purpose. The Clear Lake Watershed has been recognized as an area deserving protection in order to maintain high water quality in Clear Lake as a domestic water supply source. The Oregon Environmental Quality Commission has adopted regulations to protect the water quality of Clear Lake. The Clear Lake Watershed is made up of properties, a substantial majority of which are in private ownership. The general purpose of the Clear Lake Watershed Protection Zone is to protect the quality of the Watershed, and at the same time, protect the rights of private property owners to make reasonable use of their land. The specific purposes of the Clear Lake Watershed Protection Zone are:

- (a) To protect the aquifer and surface waters (the Lakes) of the Clear Lake Watershed;
- (b) To help achieve the water quality standards set-forth in OAR 340-41-270 and to ensure that all uses within the Clear Lake Watershed are consistent with the objective of achieving these water quality standards; and
- (c) To provide clear and objective development standards necessary to meet water quality standards and avoid land use litigation.

(2) Applicability and Definitions.

(a) The Clear Lake Watershed Protection Zone (CLWP-RCP) shall be applied to those parcels or portions of parcels, and all subdivision lots located in whole or in part within the Clear Lake Watershed as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(b) Terms, phrases and words shall be construed as specified in LC 16.090 except, as used in this section only, the following words and phrases shall have the meaning ascribed below and shall supercede definitions otherwise provided in this Code unless the context clearly indicates a contrary meaning:

Drainage. Water from precipitation, surface or subterranean water from any source, but not sewage.

Farming or Farm Use. The act of farming, as defined in ORS 215.203(2).

Forestland. Land designated as forest land in the Lane County Rural Comprehensive Plan, excluding subdivision lots.

Forest Operations. All activities related to forest management including, but not limited to: harvesting, forestry-related road construction and maintenance, site preparation for reforestation, tree planting, application of insecticides, herbicides, rodenticides, fertilizers or other chemical substances, slash disposal and pre-commercial thinning.

Lakes. Clear Lake and Collard Lake located in western Lane County, Oregon.

Legal Lot. A unit of land created by a subdivision or partition of land in compliance with all applicable planning, zoning and partitioning ordinances and regulations, or by deed or land sale contract if there were no applicable planning, zoning or partitioning ordinances or regulations at the time of such creation.

Parcel. Any legal lot or parcel that is not a subdivided lot or subdivision lot as set forth below.

Removal/Remove. The act of mechanically or manually disrupting or dislodging the root structure of vegetation, in a manner that will result in the death of the vegetation. Removal does not in any context include normal harvesting, trimming or pruning of vegetation which does not cause the death of the vegetation.

Riparian Area/Riparian Setback. The area shoreward and parallel to the ordinary high-water mark of the Lakes. For parcels, the setback area shall be 100 feet in width; for subdivision lots, the setback area shall be 50 feet in width.

Sewage. A combination of water-carried human, animal or industrial waste. While it may include some drainage, it is substantially septic in its characteristics.

Sewage Disposal System. Any device or system used in the collection, transport, storage, treatment, recycling, and reclamation of sewage, including, but not limited to tanks, pipelines, drain fields, pumps, lagoons and treatment plants, chemical treatments and maintenance practices.

Subdivided Lot/Subdivision Lot. Any legal lot totally or partially within the Collard Lake portion of the Watershed, located in the following subdivisions: Mercer Lake Heights; Mercer Lake Heights, 1st Addition except Lot 28; Mercer Lake Heights, 2nd Addition; Collard Lake Heights; Collard Lake Heights, 1st Addition; Collard Lake Acres.

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

Watershed. A geographic area within the boundary generally described as the drainage basin for the Lakes from the top of the basin ridge of the Lakes, and including the land and water within the area as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(3) Permitted Uses. The following structures and uses are permitted, without notice and opportunity to appeal, as hereinafter specifically provided for by this section.

(a) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicating the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

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

(cc) Interior wiring for interior lights; and

(dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Maintenance, repair, additions to or replacement of any existing improvements including, but not limited to, roadways, footpaths, structures (except dwellings set forth in LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a)) and open space.

(c) Harvesting of wild crops.

- (d) Non-commercial recreation.
- (e) Shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins.
- (f) Forest operations and forest practices.
- (g) Farming located on a parcel when the farming is more than 300 feet measured horizontally from the ordinary high water mark of the Lakes.
- (h) Nonresidential or agricultural buildings in conjunction with uses allowed in LC 16.258.
- (i) Local distribution lines (e.g., electric, telephone, natural gas, water) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals, water lines, pumps), or equipment which provides service hookups, including water service hookups.
- (j) On subdivision lots:
  - (i) Residential homes as defined in ORS 197.660, in existing dwellings.
  - (ii) Bed and breakfast accommodations.
  - (iii) A guest house.
- (k) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(4) **Permitted Uses Subject to Objective Standards.** The following structures and uses are permitted, without notice or opportunity to appeal, subject to the objective standards outlined in LC 16.258(7) and (8) below, which provide assurance that the use is consistent with the protection of water quality and natural values specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the boundaries of the CLWP-RCP zoning district.

(a) A single-family dwelling and accessory structures in conjunction with such use on a legal lot or parcel; provided, however, that dwellings and accessory structures sited on tax lots 200, 300 and 301, Lane County Assessor's map no. 18-12-12, are subject to the following additional requirements, as may be applicable:

- (i) The dwelling or structure is sited on a tract containing at least 160 contiguous acres; or
- (ii) The dwelling or structure is sited on a tract containing at least 200 acres in one ownership containing parcels that are not contiguous but located in Lane County or an adjacent county and zoned for forest use; and
- (iii) the owner of two or more parcels required to meet the minimum acreage requirements of LC 16.258(4)(a)(i) or (ii) above shall submit proof that nonrevocable deed restrictions in the form attached as Appendix "B" have been recorded in the county deed records which shall contain covenants, conditions and restrictions that:
  - (aa) Shall be irrevocable, unless a statement of release is signed by the Director;
  - (bb) May be enforced by the Department of Land Conservation and Development or by Lane County; and
  - (cc) Shall, together with a map or other record depicting any tracts which do not qualify for a dwelling under the recorded deed restrictions, be maintained in the Department records and be readily accessible to the public.
- (iv) The failure to follow the requirements of LC 16.258(4)(a)(iii) above relating to the recording of the deed restrictions shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is the subject of the covenants, conditions and restrictions required by this subsection.

(b) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is not located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:



(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicate that the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

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

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(c) Water intake facilities, related filtration, treatment and/or transmission facilities, pumping stations and distribution lines owned and operated in conjunction with a public or private domestic water supply system, as may be applicable.

(5) Discretionary Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to LC 14.100, upon the determination that the standards contained in this section and LC 16.258(7) and (8), as may be applicable, have been satisfied which will provide assurance that the use is consistent with standards adopted for the protection of water quality and natural values as specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the CLWP-RCP zoning district.

(a) Alteration, restoration or replacement of a lawfully established dwelling that complies with the following requirements:

(i) The dwelling was lawfully established on the subject property, and the applicant has provided sufficient evidence, other than the evidence required in LC 16.258(3)(a)(i), that the dwelling was lawfully established.

(ii) The dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

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

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Home occupations under the following conditions:

(i) The home occupation will be operated by a resident or employee of a resident of the property on which the business is located;

(ii) The home occupation will employ on the site no more than five full or part-time persons;

(iii) The home occupation will be operated substantially in the dwelling or in a structure normally associated with uses permitted in LC 16.258. Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation, unless such structure is a verified nonconforming use under LC 16.251(1)(a) through (c);

(iv) The home occupation will not unreasonably interfere with other uses permitted in LC 16.258 and will comply with any additional conditions of approval;

(v) The home occupation remains and operates in compliance with LC 16.258(5)(b) and with the conditions upon which approval of the home occupation was granted.

(c) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands or similar areas of unique value, and the vegetation and wildlife supported by such waters, artificial stream bank, shoreline stabilization or lake level maintenance (e.g. dams) adjacent to the Lakes, and stabilization necessary to protect lawful structures; provided, however, that such activities shall not endanger water quality, and surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(d) One temporary mobile home in conjunction with an existing dwelling or mobile home subject to compliance with the following conditions:

(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.

(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.

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

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

(bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.

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

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.

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

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(viii) Within three months of the end of the hardship, the temporary mobile home shall be removed from the property or demolished. A temporary mobile home approved under LC 16.258(5)(d) shall not be eligible for replacement under LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a) above.

(e) Parks, playgrounds and community centers on subdivision lots, provided:

(i) The proposed use will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in LC 16.258; and

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

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

(6) Prohibited Uses. Except as allowed in LC 16.258(3)(e) and LC 16.258(5)(c) above, the following uses and activities are specifically prohibited:

- (a) Fill or extraction in the Lakes.
- (b) Fill or extraction in freshwater marsh areas located below the ordinary high water mark of the Lakes.
- (c) Development within a riparian area, except for:
  - (i) Pedestrian paths not to exceed five feet in width;
  - (ii) Access to launch sites on the Lakes not to exceed 15 feet in width;
  - (iii) Maintenance of existing roadways, footpaths, and open space;
  - (iv) Maintenance, repairs, additions to or replacement of any existing structures or improvements; and
  - (v) Vegetation removal consistent with LC 16.258(11).
  - (vi) Necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration, distribution and/or transmission facilities.
- (d) Application of petroleum products on graveled surfaces, except as used as preparation for an asphalt concrete or like surface.
- (e) Using or storing materials within the Watershed in a manner that poses a significant threat to water quality in the Lakes.
- (f) Constructing or installing in the Lakes any structure, including but not limited to, shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins, with materials that pose a significant threat to water quality in the Lakes, such as railroad ties treated with creosote or other materials treated with hazardous substances on a list published by DEQ.
- (g) Engaging in an activity or allowing a situation to exist on property within the Watershed which will cause erosion resulting in sediments and materials being deposited in the Lakes which pose a significant threat to water quality in the Lakes. The owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the property or a construction project on the property which will cause erosion prohibited by LC 16.258(6)(g) shall take precautions to prevent that erosion during the permitted activity and thereafter. Such precautions may include, but are not limited to:
  - (i) Temporary or permanent soil stabilization structures or practices, or both;
  - (ii) Temporary or permanent sediment control devices or both;
  - (iii) Avoiding unnecessary excavation and removal of indigenous vegetation; and
  - (iv) Replacement of removed vegetation within 60 days following completion of the construction activity

(7) Objective Standards for Structures. A plot plan shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

- (a) No structure other than a fence or sign shall be located closer than 20 feet from the right-of-way of a state, county or local public access road specified in LC Chapter 15.
- (b) No structure other than a fence or sign shall be located closer than 10 feet to an adjoining property line, except that for any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the structural setback for property lines other than front-yard shall be five feet.
- (c) Cornices, canopies and caves may extend two feet into any required setback area.

(d) All roofed structures regulated by the Oregon Structural Specialty Code or Oregon Residential Specialty Code shall have Class A or B roofing as defined by the code and each chimney shall be equipped with a spark arrestor.

(e) New dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be sited to provide fuel breaks as required by LC 16.258(12) on land surrounding the dwelling that is owned or controlled by the owner.

(8) Objective Development Standards for Dwellings.

(a) Applicant Responsibility A plot plan and any necessary supporting documentation shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(i) Fire Suppression Water Supplies. Dwellings and habitable structures shall be located within a fire protection district or shall be provided with residential fire protection by contract with the nearest district. If the dwelling or habitable structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impractical, an adequate fire suppression system meeting the requirements of LC 16.258(12)(c) shall be provided.

(ii) Domestic Water Supply. Each new dwelling on forestland shall have a domestic water supply from a source authorized in accordance with the Water Resources Department administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). Evidence of domestic water supply shall include:

(aa) Verification from a water purveyor that the dwelling will be served by the purveyor under the purveyor's rights to appropriate water; or

(bb) A water use permit issued by the Water Resources Department for the dwelling; or

(cc) Verification from the Water Resources Department that a water use permit is not required for the dwelling. If the water supply is from a well and is exempt from permitting requirements under ORS 537.545, the well constructor's report shall be submitted to the county upon completion of the well.

(iii) Connection to Public Sewage Disposal System. Each new dwelling on a subdivision lot shall connect to a public sewage disposal system where such system is legally and physically available. In the event that a public sewage disposal system is not legally or physically available, the owner shall sign and record in county deed records an irrevocable petition and agreement binding upon the owner, and successors in interest, agreeing to connect to a public sewage disposal system when it does become legally and physically available as required by LC 16.258(8)(b)(viii).

(iv) Drain Field Location. Any new sewage disposal drain field installed on a parcel shall be located outside the Watershed or at least 100 feet measured horizontally from the ordinary high water mark of the Lakes.

(v) Tree Stocking. The owner of each new dwelling on forestland shall establish a sufficient number of trees on the tract to meet the minimum stocking requirements of the Forest Practices Act. The following requirements will apply:

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

(bb) The Planning Director shall notify the county assessor of the stocking requirement;

(cc) If the lot is more than 10 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the

minimum stocking requirements have been met by the time required by Department of Forestry rules;

(dd) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(vi) Forest Practices Declaration. The owner of each new dwelling on forest land shall provide evidence of a document signed and recorded in the county deed records binding the owner, and the owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) Certified Engineer's, Architect's or Geologist's Report. A plot plan or statement, as may be applicable, shall be submitted by an engineer, architect, or geologist licensed by the State of Oregon, as may be applicable, with necessary detail showing compliance with the following standards:

(i) Runoff from any proposed impervious structure shall not be discharged off site over the surface of the lot or parcel. For the purposes of this paragraph, "structure" shall include that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land, including a building, dwelling, mobile home, manufactured home and accessories, and above ground gas or liquid storage tanks. Roadways, driveways, walks and pedestrian paths shall not be considered structures for purposes of this paragraph.

(ii) Dwellings shall be restricted to slopes of less than 40 percent

(iii) Where dune forms exist, certification that the development shall result in the least topographical modification to the site as practicable.

(iv) For development proposed on a dune land form, a determination identifying the type of land form involved and whether compressible subsurface areas exist on the development site. If compressible subsurface areas exist on the development site, foundations shall be engineered.

(v) Where dune forms exist, sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the LM 10.056 and 10.060.

(vi) If the proposal for development includes the construction of new roads or driveways within the boundaries of the CLWP-RCP Zoning District, a determination that the construction of the new road or driveway will not have an adverse impact on any of the following:

(aa) Water quality;

(bb) Identified hazards associated with activities on the development site or presented by conditions on adjacent sites;

(cc) Historical or archaeological sites as identified in the Lane County Rural Comprehensive Plan;

(dd) Critical fish or wildlife habitat as identified in the Lane County Coastal Inventory;

(ee) Adjacent areas of geologic instability, if any, which have a direct impact on water quality or on shoreline stability;

(ff) Existing Class I streams on the legal lot or parcel;

(gg) Areas of significant shoreland and wetland biological habitat composed of freshwater marshes located below the ordinary high water mark of the Lakes and areas included in the Lane County Coastal Inventory as significant natural

areas, or other areas which the Lane County Board of Commissioners may deem significant natural areas based on newly adopted inventory information.

(vii) Fire Safety Design Standards for Roads. Notwithstanding LC Chapter 15, construction of roads and driveways within the Watershed providing access to dwellings shall comply with the standards of this section. In the event the standards of LC Chapter 15 and this section are inconsistent, the standards of this section shall take precedence.

(aa) Definitions. As used herein, "road" means a way of access providing, or proposed to provide, access for more than three dwellings, and "driveway" means a way of access providing access, or proposed to provide access, for three dwellings or less.

(bb) Existing Roads and Driveways.

(i-i) For the purposes of limiting reconstruction of existing roads and driveways and thereby minimizing potential erosion within the Watershed, a road or driveway existing as of the date of adoption and application of these provisions to the property on which the road is located, including a road or driveway from which a new road or driveway extension is proposed, shall not be considered a new road or driveway.

(ii-ii) Use of existing roads and driveways for access to new development shall be made where practicable.

(cc) Location and Design. To the extent practicable, new access roads and driveways shall be located and designed to minimize sediment entering the Lakes by minimizing:

- (i-i) the length between the public road and the dwelling site;
- (ii-ii) the removal of indigenous vegetation in forested areas;
- (iii-iii) the disturbance of the natural topography; and
- (iv-iv) the number of crossings over drainage courses including streams.

(dd) Methods of Compliance - Fire Design Standards. New roads and driveways shall be designed and constructed at the minimum width necessary to accommodate fire suppression vehicles. Applicants may establish compliance with this standard by obtaining written verification of compliance from the agency providing fire protection, or applicants may include in the plot plan or statement required by LC 16.258(8)(b) information showing that the following minimum standards have been addressed:

(i-i) Road Dimensions. New roads shall have an unobstructed travel surface width of at least 15 feet; or, if the new road has vehicle passage turnouts 20 feet in length and eight feet in width at intervals of not less than 400 feet, the new road may have an unobstructed travel surface of at least 10 feet.

(ii-ii) Driveway Dimensions. New driveways shall have an unobstructed travel surface width of at least 10 feet.

(iii-iii) Road and Driveway Surfaces. New roads and driveways shall be constructed with travel surfaces with a gravel depth of not less than six inches.

(iv-iv) Additional Road and Driveway Standards. New roads and driveways shall have an additional unobstructed clearance area one foot along each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet, 6 inches.

(v-v) Hammerhead Turnarounds. Any new private, dead-end road or driveway more than 500 feet in length shall include a hammerhead turnaround at the home site, and an additional hammerhead turnaround at the entry to the

property if the home site is located more than 400 feet from the entry to the property. Hammerheads shall have an improved surface with a minimum turning radius of 20 feet, an overall depth of at least 60 feet, and a width of at least 20 feet. Hammerheads on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches.

(vi-vi) Bridges and Culverts. New bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 15 foot road width surface or a minimum 10 foot driveway surface. Railway flat bed cars of narrower widths are acceptable for short bridges on private roads and driveways with written verification from an engineer licensed in the State of Oregon attesting that the railway car has sufficient strength to maintain a minimum gross weight of 50,000 lbs.

(vii-vii) Road and Driveway Grades. Road and driveway travel surface grades shall not exceed 16 % (percent) except for short distances when topographic conditions make compliance impractical.

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

(viii) Access Easement and Petition. All owners proposing development on a subdivision lot, subject to the standards in LC 16.258(7) and (8), shall execute the following documents which shall be recorded in the official deed records of Lane County:

(aa) An irrevocable petition consenting to the construction of a public sewage disposal system to serve the subdivision lot and agreeing to connect thereto when such system becomes legally and physically available at the same cost as that charged to other similarly situated subdivision lot owners; and

(bb) A perpetual easement providing access to any public drainage or sewage disposal system constructed on the legal lot for purposes of insuring drainage disposal and sewage treatment and disposal consistent with the regulations of local and state agencies concerned with sewage treatment and disposal, and water quality in the Lakes. This easement shall be given to the local governmental unit providing drainage or sanitary sewer service, as may be applicable, and shall allow the employees and agents of the grantee to perform their official duties regarding the inspection, operation and maintenance of such facilities.

(9) Site Investigation Reports (SIR). If any of the factors listed in LC 16.258(8)(b)(vi)(aa-gg) above are identified and exist where they will be adversely impacted by the road or driveway:

(a) A Site Investigation Report (SIR) is required. The form and content of the SIR is as specified by LM 10.060. The SIR is designed to provide in-depth information concerning hazards and potential adverse impacts associated with the proposed road or driveway and to suggest methods for minimizing or mitigating the impacts.

(b) Preparation of a SIR, if required under the provisions of LC 16.258(9)(a), is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(c) The SIR shall be prepared by a qualified person or team of persons having expertise and familiarity with the area. The applicant shall choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, based on standards approved by the Board of County Commissioners.

(d) Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development of the road

or driveway for the purpose of minimizing or mitigating hazards or adverse impacts and preserving the water quality of the Lakes.

(e) An applicant may appeal the determination of, or the imposition of conditions based on the SIR, in the manner for such appeal as provided by LC 14.500.

(10) Area. The minimum area requirement for the division of land is 80 acres, except as follows:

(a) A division of forestland, as designated in the Lane County Rural Comprehensive Plan, to facilitate a forest practice as defined in ORS 527.620 may be allowed to create a parcel containing less than 80 acres, provided findings demonstrating that there are unique property specific characteristics present in the proposed parcels that require an amount of land smaller than 80 acres in order to conduct the forest practice and the following requirements are met:

(i) The new parcels shall not be eligible for siting an additional dwelling;

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

(iii) The parcels shall not, as a result of the land division, be used to justify the redesignation or rezoning of resource lands;

(iv) The parcels shall not contain less than 35 acres except:

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

(bb) Where the purpose of the land division is to allow transactions in which at least one person is a person with cumulative ownership of at least 2,000 acres of forestland; and

(v) If associated with the creation of a parcel where a dwelling is involved, the parcel where the dwelling is involved shall not contain less than 80 acres.

(b) A parcel may be created for an existing dwelling on land designated forestland in the Lane County Rural Comprehensive Plan, subject to the following requirements:

(i) The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall be no larger than 10 acres;

(ii) The dwelling must be lawfully existing since prior to June 1, 1995.

(iii) The remaining parcel not containing a dwelling must contain 80 acres, or, the remaining parcel not containing the dwelling, must be consolidated with another parcel, and together the parcels must contain 80 acres;

(iv) The remaining parcel not containing a dwelling is not entitled to a new dwelling unless subsequently authorized by law or goal;

(v) The landowner shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded in the official deed records of Lane County. The restriction shall allow no new dwellings unless authorized by law or goal on lands zoned for forest use. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to state-wide planning goals pertaining to agricultural land or forestland. The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(vi) The landowner shall complete and record a Forest Management Agreement in the Lane County deed records, recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest



Practices Act and Rules and declaring that the owner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(c) For those lands that are subdivided lots, the minimum area requirement for the division of land is one acre.

(d) For those lands that qualify for marginal land zoning under ORS 197.247 (1991 Edition), the minimum area required for the division of land is:

(i) Ten acres if the lot or parcel is not adjacent to land zoned for exclusive farm use or forest use, or if it is adjacent to such land, the adjacent land qualifies for designation as marginal land under ORS 197.247 (1991 Edition).

(ii) Twenty acres if the lot or parcel is adjacent to land zoned for forest use or exclusive farm use and that adjacent land does not qualify for designation as marginal land under ORS 197.247 (1991 Edition).

(11) Restoration of Vegetation Within Riparian Areas. Except as allowed by LC 16.258(11)(a) below, a permit to remove vegetation, or if a permit is required due to unauthorized removal of vegetation, within the riparian area, shall require an application by the owner of the property, or other person responsible, for a Preliminary Investigation. Potential impacts identified in LC 16.258(11)(b) shall be addressed and/or mitigated through the review, approval and implementation of a Restoration Plan pursuant to LC 16.258(11)(b) below.

(a) Exemption. No permit under this section shall be required for removal of vegetation:

(i) Associated with the construction of a pedestrian path not to exceed five (5) feet in width, access to launch sites on the Lakes not to exceed fifteen (15) feet in width, maintenance of existing roadways, footpaths and open space, maintenance, repair, addition to or replacement of any existing structures or improvements and necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration and/or transmission facilities.

(ii) That poses a safety or health hazard, such as a danger tree.

(b) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal and the potential impacts of the removal to water quality in the Lakes. For the purpose of this section, potential adverse impacts shall include the removal of vegetation in whole or in part, which poses a significant threat to the functions identified in this subsection. This investigation shall identify the approval criteria which must be addressed by the property owner in the Restoration Plan pursuant to LC 16.258(11)(c) below, and shall include identification of the removed vegetation serving one or more of the following functions:

- (i) Shading of the Lakes;
- (ii) Stabilization of a stream bank or shoreline;
- (iii) Habitat for sensitive aquatic or terrestrial wildlife species;
- (iv) Habitat for rare, endangered or threatened species;
- (v) Water quality of the Lakes.

(c) Restoration Plan. Where required by the Preliminary Investigation, the person responsible for removing the vegetation shall submit a Restoration Plan to the Director pursuant to LC 14.050, which includes a complete inventory of the vegetation which was removed or is proposed for removal. The vegetation inventory shall identify previous and existing plant community locations and the maturity and densities of previously existing or current plant species. An approved Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Director in accordance with LC 16.258(11)(d) below:

(i) Restoration of the riparian area shall provide a recovery and restoration planting schedule to include successional planting, seasonal maintenance, and other management activities that provide for the complete recovery of vegetation;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation;

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation; and

(iv) Mitigation of any other condition resulting from the removal of vegetation from the riparian area identified as having a significant adverse affect upon water quality in the Lakes.

(d) Director's Action.

(i) The Director may approve the Preliminary Investigation and Restoration Plan if there are adequate findings of fact supporting mitigation of the adverse impacts and the applicable approval criteria for the proposed Restoration Plan. The Director may impose conditions of approval necessary for compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100.

(ii) Reasonable conditions may be placed upon the permit and the approval of a Restoration Plan to mitigate impacts and to provide for continued compliance with the protection standards as set forth in the Restoration Plan approved under LC 16.258(11)(d)(i) above. Unless otherwise approved, implementation of the plan must commence within 60 days of the Director's approval of the Restoration Plan. Required subsequent maintenance and successional plantings shall be identified in the Restoration Plan approved by the Director. Conditions may include, but are not limited to, the following:

(aa) The person responsible may be required to enter into a performance agreement to pay all costs associated with implementing the Restoration Plan.

(bb) The Director may require the person responsible to record notice of the requirements of the Restoration Plan and performance agreements in the Lane County Deed Records.

(cc) To partially defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fee shall be as established by Order of the Board of County Commissioners.

(iii) The Director shall notify the applicant of the determination of the Preliminary Investigation and the requirements of a Restoration Plan, if any, by mail within 10 days of completion of the Preliminary Investigation.

(iv) As provided in LC 14.500, an applicant may appeal the determination of the Preliminary Investigation.

(12) Fuel Breaks and Fire Suppression. No indigenous vegetation shall be removed from the riparian area around the Lakes for the purpose of complying with the secondary fuel break requirements of this section because the Lakes are bodies of water which mitigate the shoreward fire hazard. Fuel breaks around new dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be established and maintained as follows:

(a) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot by application of the following standards:

(i) Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height).

(ii) Individual or small groups of trees should be spaced with at least 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches.

(iii) Accumulated leaves, needles, and other dead vegetation should be removed from beneath trees.

(iv) Nonflammable materials (e.g., rock), instead of flammable materials (e.g., bark mulch), should be placed next to the house.

(v) As slope increases, except in the riparian area, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table below:

<b>Size of the Primary Safety Zone by Percent Slope</b>		
% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

(b) **Secondary Fuel Break.** The secondary fuel break is a fuel break located on the applicant's property extending a minimum of 100 feet in all directions around the primary safety zone. The secondary fuel break shall not apply in the riparian area. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced by application of the following standards:

(i) Individual or small groups of trees shall be spaced with at least fifteen (15) feet between the crowns, and pruned to remove dead and low (less than 8 feet) branches.

(ii) Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(c) **Fire Suppression Water Supply.** Unless otherwise authorized by the Planning Director, the minimum acceptable fire suppression water supply system for dwellings and habitable structures not provided with residential fire protection from a fire protection district shall include the following:

(i) 1,500 gallon water reservoir with a submersible 1 1/2 HP pump. Alternatives, such as road access to a water supply which meets or exceeds this requirement, may be allowed subject to review and approval by Land Management Division pursuant to LC 16.258(13), below;

(ii) a minimum of two, one-inch frost-free valve operated hydrants;

(iii) a minimum of two hose reels installed 50 to 75 feet from the dwelling foundation;

(iv) each hose reel shall contain a minimum of 100 feet of 1 inch diameter hose;

(v) each hose shall have a 1/4 inch diameter nozzle;

(vi) all hoses shall be rated for fire suppression systems;

(vii) vehicle access to within 15' of the water reservoir or water supply for fire-fighting pumping units;

(viii) the road access shall accommodate the turnaround of fire fighting equipment during the fire season; and

(ix) permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(13) **Verification of Compliance with Conditions of Approval.** An application to verify compliance with conditions of land use approval, together with the required processing fees, shall be required for any dwelling requiring fuel breaks or a fire

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suppression system, any proposed use requiring a site investigation report under LC 16.258(9) above, or any Director's level or Hearing Official decision for which conditions of approval have been imposed. Prior to commencement of the use or the issuance of any occupancy permit for the dwelling, the conditions of approval must be met and verified by the Lane County Land Management Division.

**LEGAL DESCRIPTION OF CLEAR LAKE WATERSHED**

Beginning at point known as Tank One, located in Section One, Township 18 South, Range 12 West, of the Willamette Meridian, Lane County Oregon;

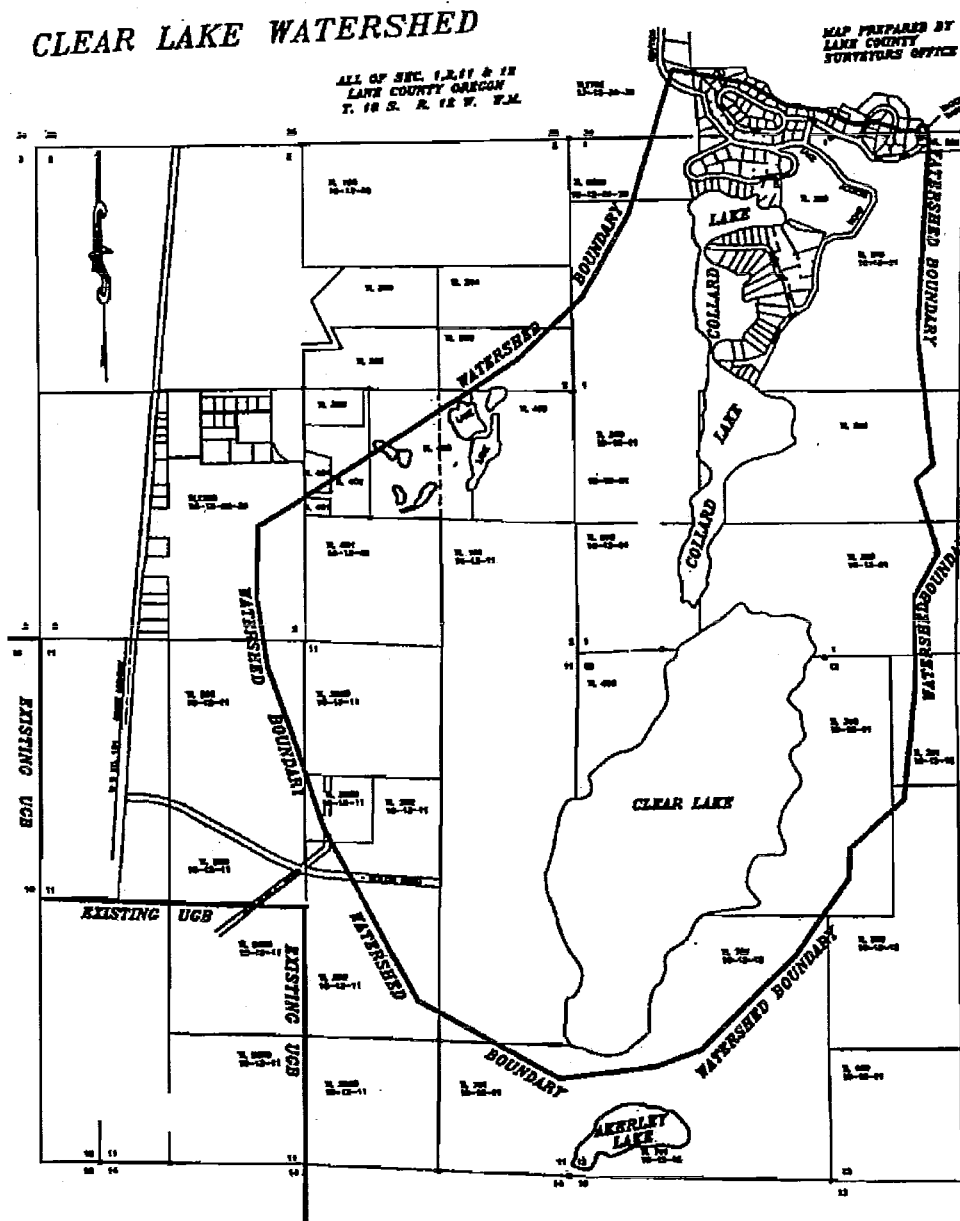
Run thence S. 67° 50' 51.5" E. 97.8 ft. to the True Point of Beginning;  
 Run thence S. 05° 40' 43.0" W. 1960.62 ft. to a point,  
 Run thence S. 04° 58' 45.4" E. 1301.91 ft. to a point,  
 Run thence S. 52° 44' 01.0" W. 231.21 ft. to a point,  
 Run thence S. 15° 20' 45.4" E. 774.62 ft. to a point,  
 Run thence S. 31° 44' 14.0" W. 520.89 ft. to a point,  
 Run thence S. 00° 24' 43.9" W. 834.02 ft. to a point,  
 Run thence S. 07° 49' 01.8" W. 1191.07 ft. to a point,  
 Run thence S. 50° 26' 06.3" W. 73 1.61 ft. to a point,  
 Run thence S. 02° 51' 10.5" W. 301.37 ft. to a point,  
 Run thence S. 36° 37' 58.2" W. 918.41 ft. to a point,  
 Run thence S. 47° 12' 26.3" W. 1321.86 ft. to a point,  
 Run thence S. 72° 58' 54.2" W. 498.84 ft. to a point,  
 Run thence S. 85° 44' 21.3" W. 955.64 ft. to a point,  
 Which is N. 11° 39' 16.9" W. 5434.90 ft. from a point known as Green Two

(located in section 13 in said Township and Range);

Run thence N. 58° 09' 44.1" W. 1630.28 ft. to a point,  
 Run thence N. 25° 23' 10.1" W. 1978.00 ft. to a point,  
 Run thence N. 16° 34' 21.0" W. 1731.95 ft. to a point,  
 Run thence N. 06° 13' 18.0" W. 747.40 ft. to a point,  
 Run thence N. 03° 50' 32.8" E. 671.51 ft. to a point,  
 Run thence N. 59° 33' 18.9" E. 1117.02 ft. to a point,  
 Run thence N. 59° 50' 06.0" E. 1894.56 ft. to a point,  
 Run thence N. 48° 28' 40.0" E. 897.56 ft. to a point,  
 Run thence N. 31° 29' 50.7" E. 920.64 ft. to a point,  
 Run thence N. 19° 46' 39.6" E. 1524.95 ft. to a point,  
 Run thence S. 76° 05' 37.1" E. 748.95 ft. to a point,  
 Run thence S. 57° 33' 30.2" E. 445.53 ft. to a point,  
 Run thence S. 78° 27' 44.9" E. 394.98 ft. to a point,  
 Run thence S. 61° 55' 39.0" E. 323.00 ft. to a point,  
 Run thence N. 89° 04' 46.8" E. 249.03 ft. to a point,  
 Run thence S. 67° 43' 17.4" E. 245.31 ft. to a point,  
 Run thence S. 79° 55' 09.8" E. 45.71 ft. to a point,  
 Run thence S. 83° 59' 27.6" E. 95.52 ft. to a point,  
 Run thence N. 42° 02' 57.2" E. 68.68 ft. to a point,  
 Run thence S. 80° 41' 24.2" E. 61.81 ft. to a point,  
 Run thence S. 10° 47' 03.5" E. 128.27 ft. to the True Point of Beginning.

APPENDIX "A" TO LANE CODE  
 CHAPTER 16 (LC 16.258(2))

Page 1



APPENDIX "A" TO LANE CODE  
CHAPTER 16 (LC 16.258(2))  
Page 2

**Declaration of Covenants, Conditions and Restrictions Form**

Whereas, the undersigned \_\_\_\_\_ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions: It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are locate executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

State of )  
County )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

APPENDIX "B" TO LANE CODE  
CHAPTER 16 (LC 16.258(4)(a)(iii))  
Page 1

*(Revised by Ordinance No. 6-98, Effective 12.2.98; 10-04, 6.4.04)*

**PAGES 16-557 THROUGH 16-575  
ARE RESERVED FOR FUTURE EXPANSION**



**TELECOMMUNICATION TOWER STANDARDS  
RURAL COMPREHENSIVE PLAN**

**16.264 Telecommunication Tower Standards.**

(1) Purpose. The provisions of this section are intended to ensure that telecommunication facilities are located, constructed, maintained and removed in a manner that:

- (a) Recognizes the public need for provision of telecommunication facilities;
- (b) Allows appropriate levels of service to be obtained throughout the County;
- (c) Minimizes the number of transmission towers throughout the County;

(d) Encourages the collocation of telecommunication facilities; and  
 (e) Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the county. Nothing in this section shall preclude collocation opportunities nor adversely affect multiple use towers. Nothing in this section shall apply to amateur radio antennae, or facilities used exclusively for the transmission of television and radio signals.

(2) Definitions. As used in LC 16.264, the following words and phrases mean:

Ancillary facilities. The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennae. An electrical conductor or group of electrical conductors that transmit or receive radio signals, excluding amateur radio antennae.

Attachment. An antenna or other piece of related equipment affixed to a transmission tower.

Changeout. Reconstruction or replacement of existing collocations or transmission towers with similar equipment, in conformance with LC 16.264(3)(h) below.

Collocation. Placement of an antenna or related telecommunication equipment on an existing structure or building where the antennas and all supports are located on the existing structure or building.

Provider. A person in the business of designing and/or using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Telecommunication Facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, related telecommunication equipment, towers and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "telecommunication facilities."

Tract. A unit of land comprised of adjacent parcels and lots under the same ownership.

Transmission Tower. The structure, such as a monopole or lattice framework, designed to support transmitting and receiving antennae and related telecommunication equipment. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers."

(3) Standards applicable to all telecommunication facilities.

(a) Telecommunication facilities shall be limited to the height necessary to provide the service, not to exceed 200 feet in height from ground level.

(b) Based on the existing conditions and vegetation at the site, telecommunication facilities shall be designed and constructed to reduce visibility of the facilities. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.

(i) The transmission tower shall be surfaced in a non-reflective material that minimizes glare and is colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background.

(ii) The antenna, related telecommunication equipment and ancillary facilities shall be surfaced in non-reflective material to match the transmission tower. If not attached to a transmission tower, they shall be colored similar to the adjacent background.

(c) Consideration shall be given to other sites and equipment that would have less visual impact than those proposed. The applicant shall demonstrate that less intrusive sites and equipment are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.

(d) No lighting of telecommunication facilities is allowed, except as required by the Federal Aviation Administration, Oregon Department of Aviation or other federal or state agencies. Required lighting shall be shielded from the ground to the extent it does not violate state or federal requirements.

(e) Equipment areas shall be enclosed by a chain link fence or equivalent.

(f) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.

(g) Maintenance and repair of a lawfully existing telecommunication facility does not require a land use application approval.

(h) Changeouts. The changeout of an existing transmission tower or collocation does not require a land use application when the following criteria apply:

(i) The new equipment does not increase the tower height or base diameter.

(ii) No new lights are proposed unless required by the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).

(iii) The new equipment does not increase the number of antennas or external transmitters. Existing antennas and external transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters.

(iv) The replacement antennas or external transmitters shall not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.

(v) The new equipment shall have a similar exterior color as the existing equipment.

(i) Within a forest zone, the following standards shall apply:

(i) A fuel break shall extend 50 feet surrounding ancillary facilities containing new or replacement propane or gas powered generating equipment. Except for trees, vegetation within the fuel break shall be maintained at less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet above ground) branches. Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.

(ii) Private roads and driveways that provide access to new or replacement transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).

(j) Notice. In lieu of the notice area in LC 14.100(4) and 14.300(3)(d), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.100(4) or 14.300(3)(d), as applicable.

(4) Standards for a new or replacement transmission tower.

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with LC 14.050 and a hearing with the Director in accordance with LC 14.300, excluding LC 14.300(3)(d) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(4).

(b) Neighborhood meeting. Prior to submittal of a land use application, the applicant shall conduct a neighborhood meeting in the general area of the proposed telecommunication tower.

(i) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting in conformance with 16.264(3)(j). In addition, the notice shall be sent to tenants living within the noticed area. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain the information required by LC 16.264(4)(b)(i) for the mailed notice.

(iii) Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(c) Required submittals. The application shall contain the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate;

(C) Documentation in the form of lease agreements for a minimum of two collocations on the proposed telecommunication tower.

(iii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by any proposed collocations, complies

with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(iv) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(4)(f)(iv). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(v) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vi) A map of all transmission towers and properties that have obtained approval for a transmission tower, within ten (10) miles of the proposed facility.

(vii) Certification by an Oregon-registered professional engineer that the design of the tower will support at least three users (the primary user and two collocation sites).

(viii) Evidence of the notification and the neighborhood meeting.

(ix) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunication tower, ancillary facilities, and restoration of the site.

(x) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(d) Performance standards. The transmission tower shall comply with the following:

(i) The tower shall be necessary to provide service to the intended area. The applicant shall provide evidence the existing and approved telecommunication facilities within ten miles would not provide an adequate level of service, based on the following:

- (A) Lack of useable and compatible collocation space;
- (B) Inability to meet service coverage area and capacity needs; or
- (C) Technical reasons such as channel proximity and inter-modulation.

(ii) The transmission tower shall be designed to accommodate at least three users (the primary user and two collocation sites).

(iii) The cumulative radio frequency emissions from all the collocations on a single structure shall not exceed the maximum exposure limits of the FCC.

(iv) When access is provided by a private road, all necessary access easements and roadways shall be maintained.

(v) Prior to land use approval of a building permit for a telecommunication tower, the applicant shall:

(A) Provide documentation showing the FAA, the ODA, and any other applicable state agency, have approved the tower, or that the tower does not require approval by these agencies;

(B) When the tower is within 14,000 feet of an airport, provide the FAA registration number for the transmission tower, or documentation showing the tower does not require registration.

(e) Setbacks and separation requirements.

(i) **Setbacks.** The tower shall comply with the setback of the base zone.

(ii) **Separation.** The tower shall be 1200 feet from any dwelling or school, except:

(A) An encroachment into the separation distance is allowed if the homeowner(s) who is being encroached upon submits written approval of the encroachment.

(B) This separation shall not apply to any dwellings or schools located on the parcel containing the proposed tower.

(f) **Expiration and Renewal of the Special Use Permit.**

(i) If a telecommunications tower is not placed into service within 2 years of issuance of a building permit, the special use permit shall expire.

(ii) In lieu of LC 14.700(4), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.

(iii) To renew the special use permit, an application shall be submitted in accordance with LC 14.050. To be approved, the application shall contain documentation showing:

(A) The telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC); and

(B) The tower continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

(iv) If a transmission tower authorized under this section is not used as a telecommunication facility for a period of one (1) year, the special use permit shall expire and the tower shall be removed.

(5) **Collocation.** A new or replacement collocation shall comply with the following:

(a) **Review process.** Collocation requires submittal of a land use application pursuant to LC 14.050. Director approval is required pursuant to LC 14.100, excluding LC 14.100(4) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).

(b) **Required submittals.** An application for a collocation shall include the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower, collocation, and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate.

(iii) If the collocation is within 14,000 feet of an airport, provide the FAA registration number for the tower structure, or documentation showing that the tower does not require registration.

(iv) Documentation demonstrating that the Oregon Department of Aviation has reviewed the proposal. When the proposed collocation does not increase the height of the tower, documents from the ODA approving the tower may be substituted.

(v) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(5)(c)(ii). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(vi) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the Federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by the proposed collocation, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(viii) Certification by an Oregon-registered professional engineer that the telecommunication facility will support the proposed collocated equipment.

(ix) Documentation showing that the applicant has an FCC license for the geographic region and for the service proposed by the collocation.

(x) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the collocation, ancillary facilities, and restoration of the site to the way it appeared before collocation approval.

(xi) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(c) Performance standards. Collocations shall comply with the following:

(i) All collocations on the structure shall comply with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(ii) Any collocation and ancillary facilities authorized under this subsection shall be removed after one year of non-use and the approval shall expire.

(iii) The provider shall maintain an FCC license for the geographic region and for the service provided by the collocation. *(Revised by Ordinance 4-02, Effective 4.10.02; 17-04, 3.18.05)*

**RURAL RESIDENTIAL ZONE (RR)  
RURAL COMPREHENSIVE PLAN**

**16.290 Residential Zone (RR).**

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

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

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured dwelling or park model recreation vehicle on a lot or parcel, in addition to an existing dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured dwelling or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured dwelling or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured dwelling or park model recreation vehicle; or

(iii) A resident of the temporary manufactured dwelling or park model recreation vehicle is a relative of a resident of the existing dwelling, manufactured dwelling or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence and general nature of the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured dwelling or park model recreation vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured dwelling or duplex.

(vi) The temporary manufactured dwelling or park model recreation vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured dwelling or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured dwelling or park model recreation vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured dwelling or park model recreation vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured dwelling or park model recreation vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion



of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured dwelling or park model recreation vehicle, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A home occupation and/or a home office that comply with these conditions:

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

(ii) The home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 5.600, PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and

devices as part of the home occupation, other than the vehicles of the owner, shall not be "plainly audible," as defined by LC 5.605, from any boundary of the subject property before 7:0 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the home occupation shall comply with LC 5.700, NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the home occupation and/or home office property shall be limited to persons who qualify as workers of the home occupation and/or home office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the home occupation and/or home office property.

(ix) Use of buildings or structures for the home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and

other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 5.600 for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement and shall not be a manufactured dwelling or mobile home;

(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

(v) The conversion of a manufactured dwelling or mobile home to a guesthouse shall not be allowed.

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, or animal or pet shelters, and not more than one accessory residential structure. An accessory residential structure is a structure that contains area for residential use or occupancy, a toilet or bathroom and that shall comply with these requirements:

(i) The total floor area of the structure shall not contain more than 850 square feet;

(ii) The structure shall not contain a kitchen.

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

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

(v) The structure shall not have an address.

(3) Rural Home Business. A rural home business is allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance of the rural home business with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate rural home businesses on their Rural Residential zoned land;

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

(iii) To recognize the uniqueness of each rural home business including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a rural home business. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory rural home business uses that are normally located outdoors such as: advertising signs for the rural home business; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the rural home business; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a rural home business requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the rural home business shall not be allowed.

(iii) The amount of building floor area of rural home businesses shall not exceed:

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

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

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these rural home business operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

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

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

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

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

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

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

(e) Radio and television transmission facilities.

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

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

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

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

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

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

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

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

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

(i) Shall be located at least:

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

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

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

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

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

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

(n) Golf courses.

(o) Lodges and grange halls that:

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

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

(p) Parks, playgrounds, community centers.

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

(r) Storage facilities for boats and recreational vehicles.

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

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

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

(aa) Goods or services traded from the site;

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

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

(dd) Intensity of land use of the site.

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

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

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

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

(u) Stables, riding academies or commercial riding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and



(dd) Has a heating system.

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

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

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

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

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

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

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28 -- Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

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

(f) Height. None.

(g) Signs.

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

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

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

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

**RURAL INDUSTRIAL ZONE (RI, RCP)  
RURAL COMPEHENIVE PLAN**

**16.292 Rural Industrial Zone (RI, RCP).**

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an administrative application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with these standards; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

(e) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.

(f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (o) below, are allowed subject to: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, "in proximity to the rural resource" shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(c) Forest or farm equipment storage yards, sales, rental or repair.

(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

(g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.292(1) above.

(ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site.

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

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

(dd) Intensity of land use of the site.

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

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

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

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

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

(i) The single-family dwelling, manufactured or mobile home shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single-family dwelling, manufactured or mobile home for the caretaker will be located; and

(iii) The single-family dwelling, manufactured or mobile home for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the industrial use on it.

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

(i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);

(ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

(iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;

(iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion;

(v) Not create a hazardous natural condition such as erosion, landslide or flooding; and

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.

(o) Any level of industrial uses, sited on an abandoned or diminished mill site that has been rezoned to Rural Industrial Zone (RI, RCP) pursuant to the plan amendment process of LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

(i) Is located on a parcel or lot outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

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

(4) **Criteria.** New uses or development allowed by LC 16.292(3)(a) through (k) and (n) through (o) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

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

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

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

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

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

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

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

(d) Signs.

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

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

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. (Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04)

## **Findings of Fact In Support of Ordinance No. 6-10**

**The Lane County Board of Commissioners Initiated Updates To Lane Code For Consistency and Clarity.**

Finding: The proposed amendments to Lane Code were directed by the Board to address changes in state laws and make appropriate corrections or clarifications to sections as identified during preceding years.

### Criteria

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

**(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.**

Finding: The amendments address changes in state law and clarify or correct previous erroneous references or text to help implement the Lane County Rural Comprehensive Plan and implementation in Lane Code chapters 13, 14 and 16. Making the revisions will provide clarity and consistency with state law.

#### **LC 12.005 Purpose.**

**(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.**

Finding: This amendment does not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County, it updates the implementing regulation requirements and follows the laws determined by State of Oregon to best promote the will of the people. Adoption of these amendments will bring the local laws into compliance with state law for consistency at the local level with the applicable state laws and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals.

#### **LC 12.050 Method of Adoption and Amendment**

**(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.**

Finding: This amendment shall be adopted by ordinance when enacted by the Board.

**(2) The Board may amend or supplement the comprehensive plan upon a finding of:**

- (a) an error in the plan; or**
- (b) changed circumstances affecting or pertaining to the plan; or**
- (c) a change in public policy; or**



***(d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.***

**Finding:** These amendments, as proposed, directly implement changes passed by the Oregon legislature into state law, and as such shall meet this provision under (b), (c), and (d) above upon adoption by the Board. They also provide additional clarification and correction when errors in the current plan implementation regulations were necessary.

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**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 #243 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

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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

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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; 2-09, 1.8.10)

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**14.015 Definitions.**

For the purpose of this Code, 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 in 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 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.

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 this chapter.

Argument. The assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. Argument does not include facts.

Board. The Lane County Board of Commissioners.

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

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

Department. The Lane County Department of Public Works.

Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department. The Director shall approve or deny land use applications as authorized by this chapter.

Evidence. The facts, documents, data or other information offered to demonstrate compliance or non-compliance with the standards believed by the proponent to be relevant to the decision.

Hearings Official. A person who has been appointed by the Board to serve at their pleasure and at a salary fixed by them. The Hearings Official shall conduct hearings on applications as authorized by this Code.

Land Use Decision.

(1) A final decision or determination made by a Lane County Approval Authority that concerns the adoption, amendment or application of

- (a) The Goals;
- (b) A comprehensive plan provision;
- (c) A land use regulation; or
- (d) A new land use regulation.

(2) A land use decision does not include a decision made by a Lane County Approval Authority:

- (a) ~~Which-That~~ is made under land use standards which do not require interpretation or the exercise of policy or legal judgement; ~~judgment;~~
- (b) ~~Which-That~~ approves or denies a building permit issued under clear and objective land use standards;

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- (c) ~~Which~~ **That** is a limited land use decision;
- (d) ~~Which~~ **That** determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations;
- (e) ~~Which~~ **That** is an expedited land division as described in ORS 197.360; ~~or~~
- (f) **That** approves, pursuant to ORS 480.450(7), the siting, installation, maintenance or removal of a liquid petroleum gas container or receptacle regulated exclusively by the State Fire Marshall under ORS 480.410 to 480.460; or
- (g) **That** approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or
- (h) **That** authorizes an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; or
- (fi) A land use approval in response to a writ of mandamus.

Land Use Regulation. Any zoning ordinance, land division ordinance adopted under ORS 92.044 to 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

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 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, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

Limited Land Use Decision.

**(1) Means a** A final decision or determination made by a Lane County Approval Authority, as defined in LC 14.015, pertaining to a site within an urban growth boundary and which concerns:

(+a) The approval or denial of a subdivision or partition **plan**, as described in ORS 92.040 (1).

(2b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review pursuant to the Site Review Procedures of LC 10.335.

**(2) Does not mean a final decision made by a Lane County Approval Authority, as defined in LC 14.015, pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.**

New Land Use Regulation. A land use regulation other than an amendment to an acknowledged land use regulation adopted by Lane County.

Party. With respect to actions pursuant to LC 14.100 and 14.200 below, 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 person who makes an appearance before the Approval Authority.

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Permit.

(1) A discretionary approval of a proposed development of land under ORS 215.010 to 215.293, 215.317 to 215.438 and 215.700 to 215.780 or county legislation or regulation adopted pursuant thereto.

(2) "Permit" does not include:

(a) A limited land use decision;

(b) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

(c) A decision which determines final engineering, design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or

(d) An action under ORS 197.360(1).

Person. Any individual, his or her heirs, executors, administrators or assigns, or a firm, partnership or corporation, its heirs or successors or assigns, or the agent of any of the aforesaid, any political subdivision, agency, board or bureau of the State or public or private organization of any kind.

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

Planning Director. See Director.

Received. Acquired by or taken into possession by the Director. (*Revised by Ordinance No. 16-83; Effective 9.14.83; 10-89, 10.4.89; 4-96; 11.29.96; 12-97, 11.20.97; 3-09, 12.4.09*)

**14.050 Application Requirements, Acceptance and Investigation.**

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

(a) Be submitted by any person with a legal interest in the property.

(b) Be completed on the form prescribed by the Department and submitted to the Department.

(c) Address the appropriate criteria for review and approval of the application and shall contain the necessary supporting information.

(d) Be accompanied by the filing fee to help defray the costs of the application.

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

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

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

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

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

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

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

(b) Shall be, within 30 days of receipt, reviewed by the Director to determine if they meet the requirements of LC 14.050(1) and (2) above and are complete. Applications shall be determined to be complete and shall be accepted by the Director when they include the required information, forms and fees. ~~When the Director determines that an application is not complete, the Director shall mail written notice to the applicant and disclose exactly what information, forms or fees are lacking.~~

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

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

(aa) ~~All of the missing information;~~

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

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

(iii) ~~If the application was complete when first submitted or the applicant submits additional information, as described in LC 14.050(3)(b)(ii) above, within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.~~

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

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

(i) All of the missing information;

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

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

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

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



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period, the Director shall complete the investigation report and mail notice of a decision or elect to schedule the application for a Hearings Official evidentiary hearing.

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

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

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

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

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

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

**14.070 Notice Contents.**

(1) Notice of a decision by the Director pursuant to LC 14.100 below shall contain:

- (a) Identification of the application by Department file number.
- (b) Identification of the contiguous property ownership involved by reference to the property address, if there is one, and to the Lane County Assessment map and tax lot numbers.
- (c) Identification of the property owner and applicant.

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(b) In addition to the persons identified in LC 14.100(4) above, notice shall be mailed to persons who have requested notice of such applications and who have paid a reasonable fee imposed by the County to cover the cost of such notice.

(c) If an objection received within 15 days of the notice specifies that the residence or activities associated with it would force a significant change in or a significant increase in the costs of accepted farming practices in nearby lands devoted to farm uses, the application shall then be set for hearing pursuant to LC 14.300. *(Revised by Ordinance No. 4-96, Effective 11.29.96)*

**14.170 Special Notice Requirements When Sole Access to Land Includes a Railroad-Highway Crossing**

(1) If a railroad-highway crossing provides or will provide the only access to land that is the subject of an application for a land use decision, a limited land use decision or an expedited land division, the applicant must indicate that fact in the application submitted to the Planning Director.

(2) The Planning Director shall provide notice to the Department of Transportation and the railroad company whenever the Approval Authority receives the information described in LC 14.170(1) above. For the purposes of LC 14.170, "railroad company" has the meaning given that term in ORS 824.200 and includes every corporation, company, association, joint stock association, partnership or person, and their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, controlling or managing any railroad.

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**16.090 Definitions.**

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

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

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

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

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

Agriculture. Synonymous with definition of "farm use."

Agricultural Building. ~~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.~~

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

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

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

(b) "Agricultural building" does not include:

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

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

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(i) Stabling or training equines; or  
(ii) Riding lessons and training clinics;  
(d) "Equine facility" does not include:  
(i) A dwelling;  
(ii) A structure in which more than 10 persons are present at any one time;  
(iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or  
(iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

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

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

(7) Wastewater solids; or

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

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

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

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

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

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

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

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

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

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

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

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

**Bridge Crossings.** The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

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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

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(OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.

Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.

County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.

Cultured Christmas Trees. Means trees:

- (1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (2) Of a marketable species;
- (3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current Employment of Land for Farm Use. Includes:

- (1) Farmland, the operation or use of which is subject to any farm-related government program;
- (2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- (3) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
- (4) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

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(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);- **and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c) and ORS 215.283 (2)(a);**

(8) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(10) Any land described under ORS 321.267(43)(e) or 321.415(5)824(3); and

(11) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and

(12) **Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:**

(a) **Only the crops of the landowner are being processed;**

(b) **The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or**

(c) **The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.**

Day. A calendar day, computed consistent with ORS 174.120.

Day Care Nurseries. Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Deflation Plain. The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

Department. The Lane County Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

(1) The limits of dredging precision which causes "overdepth"; and

(2) The practice, where approved by the Corps of Engineers, of "advanced maintenance" overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.

Destroy. To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or



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destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.

**Development, Minimal.** Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

**Director.** The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.

**Dune.** A hill or ridge of sand built up by wind along sandy coasts.

**Dune, Active.** A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

**Dune Complex.** Various patterns of small dunes with partially stabilized intervening areas.

**Dune, Older Stabilized.** A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

**Dune, Recently Stabilized.** A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

**Dune, Younger Stabilized.** A wind-stable dune with weakly developed soils and vegetation.

**Dwelling.** A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, mobile homes and camping vehicles. Where the term, "dwelling," is used in Lane Code Chapter 16, it shall mean a single-family dwelling unless otherwise noted.

**Dwelling, Multiple.** A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

**Dwelling, Single-Family.** A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

**Dwelling, Two-Family (Duplex).** A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other and having housekeeping facilities for each family.

**Enhancement.** An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.

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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(43)(e) or 321.415824(53);

(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,

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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

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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.

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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.

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(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.

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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

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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



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(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

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security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.

Personal Services. Laundering, dry cleaning and dyeing; rug cleaning and repair; photographic services; beauty and barber shops; apparel repair and alterations; shoe repair and maintenance; etc.

Planning Commission. The Planning Commission of Lane County, Oregon.

Plat. A final diagram and other documents relating to a subdivision.

Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

Primary Processing Facility. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this definition, means timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.

Professional Services. Medical and health services, legal services and other professional services, including those related to: engineering, architecture, education, scientific research, accounting, planning, real estate, etc.

Property Line. "Property line" means the division line between two units of land.

Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

Received. Acquired by or taken into possession by the Director.

Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

(1) Low-Intensity Recreation. Activities that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.

(2) High-Intensity Recreation. Uses specifically built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, concentrated OHV use, golf courses, public beaches, and marinas are examples of high-intensity recreation.

Recreational Vehicle. A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

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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

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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 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,

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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

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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

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(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.

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Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

Yard, Rear. An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10)*



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**NONIMPACTED FOREST LANDS ZONE (F-1, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.210 Nonimpacted Forest Lands Zone (F-1, RCP).**

(1) Purpose. The purpose of the Nonimpacted Forest Lands District (F-1, RCP) is:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan, and the forest land policies of the Eugene/Springfield Metro Area General Plan.

(b) To conserve forest land for uses consistent with Statewide Planning Goal 4.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of any forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operations.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of the land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use.

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries.

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Maintenance, repair or replacement of existing dwellings.

(k) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including chanelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

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(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved pursuant to LC 14.100. The uses in LC 16.210(3)(a)-(u) may be allowed provided requirements in LC 16.210(5) below are met. The uses in LC 16.210(3)(v)-(bb) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

- (a) Permanent logging equipment repair and storage.
- (b) Log scaling and weigh stations.
- (c) Parks.
- (d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.
- (e) Television, microwave, and radio communication facilities and transmission towers.
- (f) Fire stations for rural fire protection.
- (g) Utility facilities for the purpose of generating five (5) megawatts or less of power.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.
- (l) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- (n) Home occupations, subject to the following conditions and annual review:
  - (i) Will be operated by a resident of the property on which the business is located.
  - (ii) Will employ no more than five full or part-time persons.

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(iii) Will be operated in an existing dwelling or mobile home, or other existing buildings normally associated with uses permitted under LC 16.210(2) above.

(iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above.

(vi) Will comply with sanitation and building code requirements.

(vii) Will not be used as a justification for a zone change.

(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One temporary mobile home in conjunction with an existing dwelling or mobile home provided the following requirements are met:

(i) A resident of the existing dwelling or mobile home and a resident of the temporary mobile home are relatives. "Relative" means grandparent, parent, child, brother, or sister.

(ii) A relative of one of the residences suffers a hardship and needs care from the relative in the other residence.

(iii) Satisfactory evidence of the relative's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the relative's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing person with the hardship qualifies as a relative of the person who will provide care.

(iv) The temporary mobile home will be located on the same lot or parcel as the existing dwelling or mobile home.

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home. If the temporary mobile home will use a public sanitary sewer system, use of an on-site sewage disposal system will not be required.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

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(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.210(2) or LC 16.210(3), subject to LC 16.210(5)(d).

(x) Replacement of an intersection with an interchange, subject to LC 16.210(5)(d).

(xi) Continuous median turn lanes, subject to LC 16.210(5)(d).

(xii) Subject to LC 16.210(5)(d), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.210(5)(d), transportation facilities, services and improvements other than those listed in LC 16.210 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.210(6)(a) or (b) below, LC 16.210(6)(c)-(f) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(t) Permanent facility for the primary processing of forest products.

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(u) Disposal site for solid waste approved by Lane County for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(v) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(w) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(x) Temporary portable facility for the primary processing of forest products.

(y) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(z) Uninhabitable structures accessory to fish and wildlife enhancement.

(aa) Temporary forest labor camps.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Hearings Official pursuant to LC 14.300, and provided the requirements in LC 16.210(5) below are met:

(a) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.210(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

(b) Firearms training facility.

(c) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.210(6)(a) or (b), LC 16.210(6)(c)-(f), and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code, and

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.210(3)(a)-(u) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.210(3)(c), (d), (j), (n), (o) and (r), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) Transportation facilities and uses listed in LC 16.210(3)(q)(ix) through (xiii) shall comply with the following:

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(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(e) For uses authorized above in LC 16.210(4), the proposed uses will not significantly conflict with the livability and appropriate uses on adjacent and nearby lands.

(6) Siting Standards for Structures and Other Uses. The following siting standards shall apply to all structures and other uses as specified above in LC 16.210(3) and (4). These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.210(6)(a)-(b) below shall be weighed together with the requirements in LC 16.210(6)(c) and (e) below to identify the building site.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.210(6)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

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(c) **Fire Safety Measures.** Residences, structures and roads shall comply with the following fire safety measures:

(i) **Fuel Breaks.** Fuel breaks around residences shall be maintained as follows:

(aa) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

<b>% Slope</b>	<b>Feet of Primary Safety Zone</b>	<b>Feet of Additional Safety Zone Down Slope</b>
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Building shall be restricted to slopes of less than 40 percent.

(bb) **Secondary Fuel Break.** The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) **Fire Suppression Water Supplies.** An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

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(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. An applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.210(6)(e). Evidence of compliance with the standards specified in LC 16.210(6)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing at least six inches in depth of gravel or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, survey radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sacs shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser



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grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.210(6)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.210(6)(e)(i)-(vi) are provided below in LC 16.210(6)(vii).

Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.210(6)(e)(i). Hammerhead turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.210(6)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.210(6)(e)(iv).

(7) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(8) Area. The minimum area requirement for the division of land shall be as follows:

(a) 80 acres.

(b) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow a division of forest land involving a dwelling lawfully existing prior to the date of adoption of this rule provided:

(i) The new parcel containing the dwelling is no larger than five acres; and

(ii) The remaining forest parcel, not containing the dwelling, contains 80 acres; or

(iii) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of LC 16.210(8)(a) above.

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(c) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow uses identified above in: LC 16.210(2)(i); LC 16.210(3)(a) through (k), (t) and (u); and LC 16.210(4)(a) and (b); provided that such uses have been approved in compliance with LC 16.210(5) above.

(d) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.210(8)(d)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel, or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under LC 16.210 based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.210(8)(d) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director shall maintain a record of parcels that do not qualify for development of the property under restrictions imposed by LC 16.210(8)(d)(ii)(aa) and (bb), above. The record shall be readily available to the public.

(de) Notice of a decision for an application pursuant to LC 16.210(8) above shall occur in compliance with LC 16.100(3).

(9) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands

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and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*

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**IMPACTED FOREST LANDS ZONE (F-2, RCP)  
RURAL COMPREHENSIVE PLAN**

**16.211 Impacted Forest Lands Zone (F-2, RCP).**

(1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:

(a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and

(b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755.

(2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).

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(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(~~f-fe-e~~) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands

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and excluding LC 16.211(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

- (a) Permanent logging equipment repair and storage.
- (b) Log scaling and weigh stations.
- (c) Private parks and campgrounds that comply with these requirements:
  - (i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;
  - (ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
  - (iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
  - (iv) Campsites may be occupied by a tent, travel trailer or recreational vehicle;
  - (v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites;
  - (vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and
  - (vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- (d) Public parks including those uses specified under OAR 660-034-0035.
- (e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (f) Fire stations for rural fire protection.
- (g) Utility facilities for the purpose of generating power that do not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- (h) Aids to navigation and aviation.
- (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (j) Reservoirs and water impoundment.
- (k) Cemeteries.

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(l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.

(m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.

(n) Home occupations that comply with these requirements:

(i) Shall be operated by a resident of the property on which the business is located;

(ii) Shall employ on the site no more than five full-time or part-time persons;

(iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;

(iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;

(v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;

(vi) Shall comply with sanitation and building code requirements;

(vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

(ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"



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(iii) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured dwelling or park model recreation vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements;

(vi) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vii) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels;

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).

(x) Replacement of an intersection with an interchange, subject to LC 16.211(13).

(xi) Continuous median turn lanes subject to LC 16.211(13).

(xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

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(r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(t) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

(w) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(x) Uninhabitable structures accessory to fish and wildlife enhancement.

(y) Temporary forest labor camps.

(z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Shall not significantly conflict with the existing uses on adjacent and nearby lands.

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(e-e) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

- (i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
- (ii) The proposed gathering is compatible with existing land uses;
- (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
- (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000.

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

- (i) The property owner provides:
  - (aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or
  - (bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates the zoning that would restrict or regulate the establishment of a dwelling on ~~of~~ the subject property.
- (ii) The dwelling or manufactured dwelling has:
  - (aa) intact exterior walls and roof structure;
  - (bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - (cc) interior wiring for interior lights; and
  - (dd) a heating system.
- (iii) An alteration or replacement of a dwelling or manufactured dwelling allowed by LC 16.211(4)(a) above shall be located on the same site as the existing dwelling or manufactured dwelling. For the purpose of LC 16.211(4)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;
- (iv) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;
- (v) Land use approval of a permit described in LC 16.211(4)(a) above shall be valid for four years from the date of the approval. Notwithstanding the

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requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling or manufactured dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(5) Template Dwelling. One single-family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

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(a) The tract upon which the dwelling or manufactured dwelling will be located has no other dwellings or manufactured dwellings on it. As used in LC 16.211(5), "tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) The lot or parcel upon which the dwelling or manufactured dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling or manufactured dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

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(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

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(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel on which the dwelling or manufactured dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County;

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(6) Lot of Record Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(b) "Tract" means "One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway."

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(c) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(d) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(e) The tract on which the dwelling will be sited does not include a dwelling.

(f) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(g) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that is maintained and either paved or surfaced with rock and that meets the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(h) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.

(i) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(j) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC 14.700(2).



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(k) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(7) Large Tract Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

(a) "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) Is sited on a tract that does not contain a dwelling or manufactured dwelling.

(c) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(d) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel where the dwelling or manufactured dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(6)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.

(e) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(e)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

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(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(f) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h) and (j), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;

(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100-~~and at least 30~~ feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all ~~other~~ property lines **other than those described in LC 16.211(8)(a)(v)(aa) above**; and

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(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Structural Fire Protection. The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning

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Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and

(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

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(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(8)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not less than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the

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standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

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(iii) Signs shall be limited to 200 square feet in area.

(10) Area. The minimum area requirement for the division of land is 80 acres subject to compliance with the requirements of LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans except as follows:

(a) A parcel containing less than 80 acres may be allowed to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel shall not be eligible for siting a new dwelling;

(iii) The parcel shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Shall not result in a parcel of less than 35 acres, except:

(aa) Where the purpose of the land exchange is to facilitate an exchange of lands involving a governmental agency; or

(bb) Where the purpose of the land division is to allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) If associated with the creation of a parcel where a dwelling or manufactured dwelling is involved, the parcel containing the dwelling or manufactured dwelling shall contain at least 80 acres;

(vi) Shall not, as the result of the land division, be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.211(10)(a) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(viii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(b) New land divisions less than the 80 acre parcel size required by LC 16.211(10) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above;

(ii) The parcel created for such use is the minimum size necessary for the use;

(iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(c) A division of a lot or parcel for an existing dwelling or manufactured dwelling subject to compliance with these requirements:

(i) The parcel established for the existing dwelling or manufactured dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;

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(ii) The dwelling or manufactured dwelling lawfully existed prior to June 1, 1995;

(iii) The remaining parcel not containing the dwelling or manufactured dwelling shall:

(aa) contain at least 80 acres; or

(bb) be consolidated with another parcel, and together the parcels contain at least 80 acres.

(iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above shall provide evidence that a restriction on the remaining parcel, not containing the dwelling or manufactured dwelling, has been recorded with Lane County Deeds and Records. The restriction shall allow no dwellings or manufactured dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;

(v) A landowner allowed a land division under LC 16.211(10)(c) above shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;

(vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and

(vii) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.

(d) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:

(i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;

(iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(vi) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under



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restrictions imposed by LC 16.211(10)(d)(v) above. The record shall be readily available to the public.

(e) A division of a lot or parcel if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in LC 16.211(10)(e)(i)-(iv), below:

(i) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(aa) If the parcel contains a dwelling or another use allowed under LC 16.211, the parcel must be large enough to support continued residential use or other allowed use of the parcel; or

(bb) If the parcel does not contain a dwelling, the parcel is eligible for siting of a dwelling as may be authorized under LC 16.211(5)-(7), based on the size and configuration of the parcel.

(ii) Before approving a proposed division of land under this section, the Planning Director shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit conservation organization, present for recording in Lane County Deeds and Records, an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(aa) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.211 except park or conservation uses; and

(bb) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(iii) If a proposed division of land under LC 16.211(10)(e) results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the Planning Director may approve the division.

(iv) The Planning Director shall maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by LC 16.211(10)(e)(ii)(aa) and (bb) above. The record shall be readily available to the public.

(11) Youth Camps. The purpose of LC 16.211(11) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the

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youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(c) above shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

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(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s)

in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp; and

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles; and

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the Oregon Department of Forestry and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural

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fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04)*

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**EXCLUSIVE FARM USE ZONE (E-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.212 Exclusive Farm Use Zone (E-RCP).**

(1) Purpose. The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

(2) Definitions. Except as otherwise provided in LC 16.212(2) below, the definitions in LC 16.090 shall be used for LC 16.212.

(a) Contiguous. "Contiguous" means connected in such a manner as to form a single block of land.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. "Reconfigured" means any change in the boundary of the lot, parcel or tract.

(c) Dwelling. "Dwelling" means a "Dwelling, Single-Family" as defined by LC 16.090 and may include a manufactured dwelling. "Manufactured dwelling" and "manufactured home" shall have the meaning set forth in ORS 446.003(26).

(d) Farm Unit. "Farm Unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in LC 16.090.

(e) High Value Farm Land. "High value farmland" means land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or

(ii) Not irrigated and classified prime, unique, Class I or II.

(iii) That portion of Lane County lying east of the summit of the Coast Range including tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) and (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and

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Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(bb) Subclassification IIIw, specifically, Concord, Conser, Cornelius, Variant, Dayton (thick surface) and Sifton (occasionally flooded);

(cc) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and

(dd) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

(iv) In addition to that land described in LC 16.212(2)(e)(i), (ii) and (iv) above, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;

(bb) Subclassification IIIw, specifically, Brennar and Chitwood;

(cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and

(dd) Subclassification IVw, specifically, Coquille.

(v) In addition to that land described in LC 16.212(2)(e)(i) through (ii) above, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in LC 16.212(2)(e)(i) through (ii) above and the following soils:

(aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

(bb) Subclassification IIIe, specifically, Klooqueth Silty Clay Loam and Winchuck Silt Loam; and

(cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.

(vi) Lands designated and zoned by Lane County as Marginal Lands according to the criteria in ORS 215.247 (1991) are excepted from this definition of "high value farmland."

(f) Irrigated. "Irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is 'irrigated' if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

(g) Tract. "Tract" means one or more contiguous lots or parcels in the same ownership.

(3) Permitted Uses. In the E-RCP Zone, the following uses and activities are allowed without notice and the opportunity for appeal subject to compliance with the general provisions and exceptions set forth by this chapter. A determination by the

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director for whether or not a use fits within the classification of uses listed in LC 16.212(3) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.212(3) below.

- (a) Farm Use (See the definition of "farm use" in LC 16.090).
- (b) Propagation or harvesting of a forest product.
- (c) Other buildings customarily provided in conjunction with farm use.
- (d) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- (e) Operations for the exploration for minerals as defined by ORS 517.750.
- (f) Creation of, restoration of, or enhancement of wetlands.
- (g) A winery that:
  - (i) Is a facility producing wine with a maximum production of less than 50,000 gallons and that:
    - (aa) Owns an on-site vineyard of at least 15 acres;
    - (bb) Owns a contiguous vineyard of at least 15 acres;
    - (cc) Has a long-term contract for the purchase of all grapes from at least 15 acres of a vineyard contiguous to the winery; or
    - (dd) Obtains grapes from any combination of the LC 16.212(3)(g)(i)(aa) through (cc) above; or
  - (ii) Is a facility producing wine with a maximum production of at least 50,000 gallons and no more than 100,000 gallons and that:
    - (aa) Owns an on-site vineyard of at least 40 acres;
    - (bb) Owns a contiguous vineyard of at least 40 acres;
    - (cc) Has a long-term contract for the purchase of all grapes from at least 40 acres of a vineyard contiguous to the winery; or
    - (dd) Obtains grapes from any combination of the requirements in LC 16.212(3)(g)(i) and (ii) above.
  - (iii) A winery described above in LC 16.212(3)(g)(i) or (ii) above shall only allow the sale of:
    - (aa) Wines produced in conjunction with the winery; and
    - (bb) Items directly related to wine, the sale of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
  - (iv) Prior to the issuance of a permit to establish a winery under LC 16.212(3)(g) above, the applicant shall show that vineyards, described in LC 16.212(3)(g)(i) or (ii) above have been planted or that the contract has been executed, as applicable.



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(v) The Approval Authority shall adopt findings for each of the standards described in the above LC 16.212(3)(g)(i) or (ii). Standards imposed on the siting of a winery shall be limited solely to each of the following requirements for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

(aa) Establishment of a setback of 100 feet from all property lines for the winery and public gathering places;

(bb) Provision of direct road access, internal circulation and parking; and

(cc) Notwithstanding LC 16.212(g)(v)(aa) above, a setback of less than 100 feet may be established provided the setback will adequately limit demonstrated conflicts with accepted farming and forest practices on adjacent lands and provided the determination for compliance with this requirement is made pursuant to LC 14.050 and reviewed and approved pursuant to LC 14.100.

(vi) The Approval Authority shall also apply the requirements in LC 16 regarding flood plains, geologic hazards, the Willamette River Greenway, airport safety or other regulations for resource protection respecting open spaces, scenic and historic areas and natural resources.

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(j) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

(k) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(l) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(m) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(n) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(o) Changes in the frequency of transit, rail and airport services.

(p) On-site filming and activities accessory to onsite filming for 45 days or less. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an

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exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit.

(q) Farm stands if:

(i) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25% of the total annual sales of the farm stands; and

(ii) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(iii) As used in LC 16.212(3)(q), "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in LC 16.212(3)(q), "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(iv) As used in LC 16.212(3)(q), "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(r) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonable be necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the buildings or facility pre-existed the use approved under this subsection. The site shall not include an aggregate surface or hard surface unless the surface preexisted the use approved under this subsection. As used in this subsection, "model aireraft" means a small version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.

(s) The breeding, kenneling and training of greyhounds for racing subject to compliance with the following requirements:

(i) New uses described in LC 16.212(3)(s) above are not permitted on high value farm land;

(ii) Lawfully existing uses described in LC 16.212(3)(s) above that are wholly within the Exclusive Farm Use zone may be expanded on the same tract; and

(iii) Notwithstanding LC 16.212(3)(s)(i) above, lawfully existing facilities described in LC 16.212(3)(s) above that are located on high value farmland may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(t) Fire service facilities providing rural fire protection services.

(u) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

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(v) Utility facility service lines that are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- (i) A public right of way;
- (ii) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- (iii) The property to be served by the utility.

(w) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.212(4)(i-if-f) below.

(4) Special Uses - Director Approval. These uses are allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 14.100 with the options for the Director to elect to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. .

(a) Home occupations that comply with these requirements:

- (i) Shall be operated by a resident of the property on which the business is located;
- (ii) Shall employ on the site no more than five full-time or part-time persons;
- (iii) Shall be operated substantially in the dwelling, or other buildings normally associated with uses permitted by LC 16.212;
- (iv) No structure shall be constructed for the home occupation use that would not otherwise be allowed by LC 16.212;
- (v) Shall not unreasonably interfere with uses permitted by LC 16.212 or with existing uses permitted by the zoning of nearby lands;
- (vi) LC 16.212(10)(f) through (g) below;
- (vii) Shall not be used as a justification for a zone change;
- (viii) Shall comply with any additional conditions of approval established by the Approval Authority;
- (ix) May include the parking of vehicles if the home occupation is located on high value farm land; and

(x) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(4)(a)(x) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to this section, shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the conditions of approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the second following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the

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Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(b) A residential home or facility that complies with these requirements:

(i) Shall be a residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services, as defined in ORS 443.400, under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home;

(ii) Shall be located in a lawfully existing residence; and

(iii) LC 16.212(10)(f) through (h) below.

(c) Commercial activities in conjunction with farm use ~~but not including the primary processing of farm crops including the commercial processing of farm crops into biofuel not permitted as a farm use or pursuant to LC 16.212(4)(h) below,~~ that comply with LC 16.212(10)(f) through (g) below.

(d) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities that comply with these requirements:

(i) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division; and

(ii) LC 16.212(10)(f) through (g) below.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in LC 16.090. Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a tract where the primary processing facility is located.

(f) A transmission tower over 200 feet in height, not including a telecommunication facility defined by LC 16.264(2), that complies with LC 16.212(10)(f) through (g) below.

(g) Room and board arrangements for a maximum of five unrelated persons in an existing dwelling that comply with LC 16.212(10)(f) through (h) below.

(h) A facility for the primary processing of farm crops ~~or the production of biofuel as defined in LC 16.090~~ that complies with these requirements:

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(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(iii) A processing facility shall comply with applicable requirements in LC 16.212(10)(a) through (e) below. These requirements shall not be applied in a manner that prohibits the siting of the processing facility; and

(iv) A land division of a lot or parcel shall not be approved that separates the processing facility from the farm operation on which it is located.

(i) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, provided such utility facilities comply with these requirements:

(i) The utility facility shall be necessary for public service if it must be sited in the E-RCP zone in order to provide the service. To demonstrate that a utility facility is necessary, the applicant must show that reasonable alternatives have been considered and that the facility must be sited in the E-RCP zone due to one or more of the following factors:

(aa) Technical and engineering feasibility;

(bb) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned E-RCP in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(cc) Lack of available urban and non-resource lands;

(dd) Availability of existing rights of way;

(ee) Public health and safety; and

(ff) Other requirements of state and federal agencies.

(ii) Costs associated with any of the factors listed in LC 16.212(4)(i)(i) above may be considered, but cost alone may not be the only consideration of determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(iii) The owner of a utility facility approved under LC 16.212(4)(i) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in LC 16.212(4)(i) above shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration;

(iv) The Approval Authority shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farming practices or a significant increase in the cost of farm practices on surrounding farmlands;

(v) In addition to the requirements in LC 16.212(4)(i)(i) through (iv) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the requirements of OAR 660-011-0060;

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(vi) In addition to the requirements in LC 16.212(i)(i) through (iv) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264; and

(vii) The requirements in LC 16.212(4)(i)(i) through (iv) above do not apply to interstate natural gas pipelines and the associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(j) Publicly owned parks and playgrounds that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Public parks shall include only those uses specified under OAR 660-034-0035; and

(iii) A public park may be established consistently with ORS 195.120.

(k) Private parks, playgrounds and campgrounds that comply with these requirements:

(i) Uses described in LC 16.212(4)(k) above are not permitted on high value farm land;

(ii) Except on a lot or parcel contiguous to a lake or reservoir, uses described in LC 16.212(4)(k) above are not permitted within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(iii) LC 16.212(10)(f) through (g) below;

(iv) A private 'campground' is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A private campground:

(aa) Shall be established on a site or be contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by occupants of the campground.

(bb) Shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation and other natural features between campsites;

(cc) Shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(dd) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period;

(ee) Shall not provide separate sewer, water or electric service hook-ups to individual campsites except that electric service may be provided to yurts as allowed by LC 16.212(4)(k)(iv)(ff) below;

(ff) May provide campsites to be occupied by a tent, travel trailer, recreational vehicle or yurt. A 'yurt' means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt; and

(v) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(k)(i) through (iv) above, lawfully existing facilities described in LC

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16.212(4)(k) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(l) Private hunting and fishing preserves that comply with these requirements:

(i) Uses described in LC 16.212(4)(l) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(l)(i) and (ii) above, lawfully existing facilities described in LC 16.212(4)(l) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(m) On-site filming and activities accessory to onsite filming for more than 45 days. On-site filming and activities accessory to on-site filming include: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming; and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming does not include: facilities for marketing, editing and other such activities that are allowed only as home occupation; or construction of new structures that requires a building permit. The onsite filming shall comply with LC 16.212(10)(f) through (g) below.

(n) Operations for the extraction and bottling of water that comply with LC 16.212(10)(f) through (g) below.

(o) The following transportation facilities and uses that comply with LC 16.212(10)(f) through (g). Uses listed in LC 16.212(4)(o)(ix) through (xiii) shall also comply with LC 16.212(10)(j).

(i) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(ii) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iii) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels and that complies with LC 16.212(10)(f) through (g) below.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.212(3) or LC 16.212(4).

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(x) Replacement of an intersection with an interchange.

(xi) Continuous median turn lanes.

(xii) New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Transportation facilities, services and improvements other than those listed in LC 16.212 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(p) Propagation, cultivation, maintenance and harvesting of aquatic or insect species that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture; and

(iii) The Director shall provide notice of all applications under this section to the State Department of Agriculture following the procedures for notice in LC 14.300(3) at least 20 days in advance of any administrative decision or initial public hearing on the applications.

(q) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020 and that comply with these requirements:

(i) Uses described in LC 16.212(4)(q) above are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(q)(i) above and (iv) below, lawfully existing facilities described in LC 16.212(4)(q) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16;

(iii) Composting facilities allowed on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle; and

(iv) LC 16.212(10)(f) through (g) below.

(r) Churches and cemeteries in conjunction with churches that comply with these requirements:

(i) Uses described in LC 16.212(4)(r) above shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(ii) Uses allowed by LC 16.212(4)(r) above shall not be permitted on high value farm land;



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(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(r)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(r) above may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16; and

(iv) If a church, synagogue, temple, mosque, chapel, meeting house or other non-residential place of worship is allowed on real property under LC 16.212(4)(r) above, the reasonable use of real property shall be allowed for activities that are customarily associated with the practices of that religious activity including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education.

(s) A firearms training (the same as provided in ORS 197.770) shall be allowed to continue operations until such time as no longer used as a firearms training facility, provided the following requirements are met:

(i) The firearms training facility was in existence on September 9, 1995; and

(ii) The firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

(aa) For law enforcement personnel;

(bb) By State department of Fish and Wildlife; or

(cc) By nationally recognized programs that promote shooting matches, target shooting and safety.

(t) A living history museum that complies with these requirements:

(i) "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some past historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in LC 16.212(4)(t) above, a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary;

(ii) "Local historical society" means the local historical society, recognized as such by the Board and organized under ORS Chapter 65; and

(iii) LC 16.212(10)(f) through (g) below.

(u) The parking of no more than seven log trucks on a lot or parcel and that complies with LC 16.212(10)(f) through (g) below.

(v) A wildlife habitat conservation and management plan pursuant to ORS 215.804 and that complies with LC 16.212(10)(f) through (h) below.

(w) Kennel, Commercial; or Kennel, Commercial Breeding that comply with these requirements:

(i) Uses described in LC 16.212(4)(w) above are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

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(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(w)(i) through (ii) above, lawfully existing facilities described in LC 16.212(4)(w) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(x) Operations conducted for the mining and processing of geothermal resources as defined in LC 16.212(4)(x)(i) below (the same as defined by ORS 522.005) and oil and gas (the same as defined by ORS 520.005) as defined in LC 16.212(4)(x)(ii) below, not otherwise permitted by LC 16.212(3)(d) above and that comply with these requirements:

(i) "Mining and processing of geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including specifically:

(aa) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(bb) Steam and other gases, hot water and hot brines, resulting from water, gas or other fluids artificially introduced into geothermal formations;

(cc) Heat or other associated energy found in geothermal formations; and

(dd) Any by-product derived from them;

(ii) "Gas" means all natural gas and all other fluid hydrocarbons not defined as "oil" in LC 16.212(4)(x)(ii) below, including condensate originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydro carbons that were originally in a gaseous phase in the reservoir; and

(iii) LC 16.212(10)(f) through (g) below.

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

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course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public;

(ii) LC 16.212(10)(f) through (g) below;

(iii) Uses allowed by LC 16.212(4)(i-i) above are not allowed on high value farm land;

(iv) Notwithstanding LC 16.212(4)(i-i)(i) and (iii) above, a lawfully existing golf course that is wholly within the E-RCP zone and on high value farmland may be maintained, enhanced or expanded on the same tract consistent with the requirements of LC 16.212(4)(i-i)(ii) above, but shall not be expanded to contain more than 36 holes.

(j-j) Commercial utility facilities for the purpose of generating power for public use by sale that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below;

(ii) On high value farm land, the power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(iii) On land that is not high value farm land, a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4; and

(iv) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) above, uses described by LC 16.212(4)(j-j) above are allowed subject to compliance with ORS 469.504.

(k-k) The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed by LC 16.212, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and subject to compliance with these requirements:

(i) Allowable uses include:

(aa) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;

(bb) The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;

(cc) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:

(A) A public right of way; or

(B) Other land if the land owner provides written consent and the owner of the facility complies with ORS 215.275(4); and

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(dd) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to the land;

(ii) Uses not allowed include:

(aa) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or

(bb) The establishment and use of utility service lines allowed under LC 16.212(3)(r) above; and

(iii) If biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright, and a state or Lane County license, permit or approval in connection with the use is not a land use decision.

**(l-l) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) below.**

**(5) Allowable Residential Uses On High Value Farmland or Land That Is Not High Value Farmland.** The following residential uses are allowed on high value farm land or land that is not high value farmland subject to compliance with the general provisions and exceptions specified by this Chapter of Lane Code and compliance with the requirements in LC 16.212(5)(a) through (d) below. Final approval of a non-farm use authorized under LC 16.212(5) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) The alteration, restoration, or replacement in the same location of a lawfully established dwelling is an allowed use without the need for notice and the opportunity for appeal subject to compliance with the following requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling was lawfully constructed or placed on the subject property; or

(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous annual basis from a date that, as determined by the Director, predates the zoning that would restrict or regulate the establishment of a dwelling on the subject property;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) In the case of replacement, the new dwelling shall be sited in the same location as the dwelling to be replaced. For the purpose of LC 16.212(5)(a)(iii)

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above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) In the case of replacement, the new dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling;

(v) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(vi) LC 16.212(10)(h) below; and

(vii) Land use approval of a permit described in LC 16.212(5)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(a)(vii) above may be made and approved pursuant to LC 14.700(2).

(b) The alteration, restoration, or replacement of a lawfully established dwelling that does not meet the requirements in LC 16.212(5)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling has:

(aa) intact exterior walls and roof structure;

(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system;

(iii) The dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this section shall comply with all applicable siting standards in LC Chapter 16. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of a lot or parcel not zoned Exclusive Farm Use, the applicant, as a condition of approval, shall execute and record in the Lane County deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed by the Director in the Lane County deed records. The release shall be signed by the Director and state that the provisions of this subsection regarding replacement dwellings have changed to allow the siting of another dwelling. The Director shall maintain a record of the lots or parcels that do not qualify for the siting of a dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements filed under this section;

(iv) An accessory farm dwelling authorized pursuant to LC 16.212(6)(b) or (7)(e) below may only be replaced by a manufactured dwelling;

(v) The dwelling to be replaced for which the applicant has requested a deferred replacement permit, shall be removed or demolished within

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three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

(vi) LC 16.212(10)(h) below; and

(vii) Land use approval of a permit described in LC 16.212(2)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(5)(b)(vii) above may be made and approved pursuant to LC 14.700(2).

(c) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by relative of the farm operator or the farm operator's spouse which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

(ii) LC 16.212(10)(h) below; and

(iii) Notwithstanding LC 16.090 'Partition Land,' 13.010 'Partition Land' or the minimum area requirements in LC 16.212(9) below, if the owner of a dwelling described in LC 16.212(5)(c) above obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purpose of LC 16.212(5)(c)(iii) above, "foreclosure" means only those foreclosures excluded from the definition of partition under ORS 92.010(7)(a).

(d) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a medical hardship or hardship due to age or infirmity suffered by the existing resident or relative of the resident is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

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(ii) The temporary manufactured dwelling or park model recreation vehicle will comply with Oregon Department of Environmental Quality review and removal requirements and with the requirements of the Uniform Building Code;

(iii) LC 16.212(10)(f) through (h) below;

(iv) Except as provided in LC 16.212(5)(d)(v) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval;

(v) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.212(5)(d) above shall not be eligible for replacement under LC 16.212(5)(a) or (b) above.

(e) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with these requirements:

(i) "Historic Property" means real property that is currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (P.L. 89-665);

(ii) The property where the replacement dwelling would be located is used for "farm use;"

(iii) A person who would reside in the replacement dwelling would be employed in conjunction with the farm use of the property where the replacement dwelling would be located; and

(iv) LC 16.212(10)(h) below.

(6) Allowable Residential Uses On High Value Farmland. The following residential uses are allowed on high value farm land subject to the general provisions and exceptions specified by this chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, and approval of the application by the Director pursuant to LC 14.100 with the options to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(6) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for the farm use, as defined in LC 16.090, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years;

(ii) Except as permitted in ORS 215.213(1)(r)(1999 Edition) for seasonal farm worker housing, there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in LC 16.212(6)(a)(ii) above;

(iv) In determining the gross income required by LC 16.212(6)(a)(i) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not

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leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(6)(b)(iv), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County, not including Deschutes County or Klamath County, may be used to complete the gross income requirements; and

(v) LC 16.212(10)(h) and (i) below.

(b) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring of livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located:

(aa) On the same lot or parcel as the primary farm dwelling;

or

(bb) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(cc) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(6)(b) above; or

(B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings approved under LC 16.212(6)(b)(ii)(cc)(B) above to be removed, demolished, or converted to a non-residential use when farm worker housing is no longer required; or

(C) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(6)(a) above.

(iii) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(iv) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or



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(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development

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trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) LC 16.212(10)(f) through (h) below;

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of

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producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned a farm or ranch operation that earned \$80,000 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(6)(f)(i) above:

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(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$80,000 in gross farm income in the last two years or three of the last five years; and

(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(6)(f)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

**(7) Allowable Residential Uses On Land That Is Not High Value Farmland.**

The following residential uses are allowed on land that is not high value farm land subject to the general provisions and exceptions specified by this Chapter of Lane Code and subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. Final approval of a non-farm use authorized under LC 16.212(7) below shall not be given unless any additional taxes imposed on the change in use have been paid.

(a) A "160 acre parcel" dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The parcel on which the dwelling is located is at least 160 acres and not designated as rangeland;

(ii) Except as permitted pursuant to LC 16.212(5)(f) above, there is no other dwelling on the subject tract;

(iii) The subject tract is currently employed for farm use as defined in LC 16.090;

(iv) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(v) LC 16.212(10)(h) below.

(b) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The subject tract is currently employed for farm use that produced in the last two years or three of the last five years \$32,500 in gross annual income (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) from the sale of farm products. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation. Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. For the purpose of LC 16.212(7)(b)(i), parcels zoned E-RCP in Lane County or for farm use in counties contiguous with Lane County,

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not including Deschutes County or Klamath County, may be used to meet the gross income requirements;

(ii) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income mentioned in LC 16.212(7)(b)(i) above;

(iii) Except as permitted in ORS 215.213(1)(r)(1999 Edition), there is no other dwelling on lands zoned E-RCP owned by the farm operator or on the farm operation;

(iv) The dwelling will be located on a lot or parcel that is not less than ten (10) acres; and

(vi) LC 16.212(10)(h) and (i) below.

(c) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot:

(aa) Consists of 20 or more acres; and

(bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot;

(ii) The lot or parcel where the farm operation or woodlot is located does not have any dwellings on it; and

(iii) LC 16.212(10)(f) through (i) below.

(d) A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a farm operation or woodlot that is smaller than required under LC 16.212(7)(~~dc~~) above is allowed subject to compliance with the following requirements:

(i) The farm operation or woodlot is smaller than the size of the farm operation or woodlot required in LC 16.212(7)(c)(i) above;

(ii) The lot or parcel where the dwelling will be located:

(aa) Is managed as part of the farm operation or woodlot described in LC 16.212(7)(d)(i) above;

(bb) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least \$20,000 in annual gross farm income; or

(cc) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and

(iii) LC 16.212(10)(f) through (h) below.

(e) An "accessory farm dwelling" includes all types of residential structures allowed by applicable state building codes and is allowed subject to compliance with the following requirements:

(i) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing, or caring for livestock, is or will be required by the farm operator;

(ii) The accessory farm dwelling will be located on the same lot or parcel as the primary farm dwelling; or

(iii) The accessory farm dwelling will be located on:

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(aa) The same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

(B) Limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing or the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Lane County shall require all accessory dwellings approved under LC 16.212(7)(e)(iii)(bb)(B) above to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(C) Located on a lot or parcel at least the size of the applicable minimum lot size under LC 16.212(9)(a) below and the lot or parcel complies with the gross farm income requirements in LC 16.212(7)(b) above.

(iv) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

(v) The primary farm dwelling to which the proposed dwelling would be accessory:

(aa) Is located on a farm or ranch operation that is currently employed for farm use, as defined in LC 16.090, and produced at least \$32,500 (the midpoint of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by LC 16.212(7)(b) above from the sale of fluid milk; and

(A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 463B.050 and ORS 468B.200 to 468B.230 and a producer license for the sale of dairy products under ORS 621.072; or

(cc) Is located on a farm operation that meets the standards and requirements of LC 16.212(7)(c) or (d) above.

(vi) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(7)(e). If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling

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customarily provided in conjunction with farm use pursuant to LC 16.212(7)(b) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vii) An accessory farm dwelling approved pursuant to LC 16.212(7)(e) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant LC 16.212(7)(f) below; and

(viii) LC 16.212(10)(h) below.

(f) A dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

(i) The soils of the lot or parcel are predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture, Soil Conservation Service on October 15, 1983;

(ii) LC 16.212(10)(f) through (h) below;

(iii) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel will not be considered unsuitable solely because of its size or location if it can reasonable be put to farm use in conjunction with other land;

(iv) Land use approval of a permit described in LC 16.212(7)(f) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(f)(iv) above may be made and approved pursuant to LC 14.700(2); and

(v) The dwelling shall comply with such other conditions as the Approval Authority considers necessary.

(g) One dwelling not provided in conjunction with farm use, on a lot or parcel that is not larger than three acres provided it complies with these requirements:

(i) The lot or parcel does not have a single family or multiple family dwelling on it;

(ii) If the lot or parcel is located within the Willamette Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by Lane Code relating specifically to the Willamette Greenway, floodplains or geological hazard areas, whichever is applicable;

(iii) The lot or parcel was created between January 1, 1948, and July 1, 1983. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above. For the purpose of LC 16.212(7)(g)(iii) above, only one lot or parcel exists if:

(aa) The lot or parcel is contiguous to one or more lots or parcels described in LC 16.212(7)(g)(iii)(aa). "Contiguous" means "lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road"; and

(bb) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;

(iv) LC 16.212(10)(f) through (h) below;

(v) Notice and review of an application under LC 16.212(7)(g) above shall occur in compliance with LC 14.160;

(vi) Land use approval of a permit described in LC 16.212(7)(g) above shall be valid for four years from the date of the approval. Notwithstanding the

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requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(7)(g)(vi) above may be made and approved pursuant to LC 14.700(2); and

(vi) The dwelling complies with other conditions considered necessary by the Approval Authority.

(h) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(7)(h) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$32,500 (the mid point of the median income range of gross annual sales of farms in Lane County with annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon) in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(7)(h)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(i) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned a farm or ranch operation that earned \$32,500 in gross annual income from the sale of farm products in the last five years or four of the last seven years;

(ii) In determining the gross income required by LC 16.212(7)(i)(i) above:

(aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(bb) Only gross income from land owned, not leased or rented, shall be counted;

(iii) The subject lot or parcel on which the dwelling will be located is:

(aa) Currently employed for farm use, as defined in LC 16.090, that produced \$32,500 in gross farm income in the last two years or three of the last five years; and



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(bb) At least the size of the applicable minimum lot size under LC 16.212(9)(a);

(iv) Except as permitted in ORS 215.213(1)(r) (1999 Edition), there is no other dwelling on the subject tract;

(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

(d) <u>Farm Group</u> .....	<u>Size</u>
Cash grains .....	120 acres
Field crops (includes grass seed production).....	160 acres
Tree fruit and nuts.....	40 acres
Horticultural specialties .....	20 acres
General farm, primarily crop .....	320 acres
Extensive animal grazing.....	120 acres
Intensive animal husbandry .....	40 acres
Dairy farm.....	240 acres
General farm, primarily livestock.....	80 acres
Berries and grapes .....	20 acres
Vegetables and melons .....	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25 .....	25 acres
E-30 .....	30 acres
E-40 .....	40 acres
E-60 .....	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

- Land preparation.
- Ripping and plowing.
- Fencing.

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Surveying.  
Crop cultivation.  
Irrigation.  
Herbicide; fungicide and/or fertilizer application.  
Machinery.  
Accessory farm buildings.  
Breeding and livestock raising concerns.  
Labor.  
Projected expenses associated with the above.  
Date by which the farm management plan would be substantially

implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (t), (u), (v), (x), (y), (e-e), (g-g), (i-i), (j-j) and (n-n) above.

(d) For the area of Lane County lying west of the summit of the Coast Range, a division of land to create up to two new parcels smaller than the minimum parcel size required by LC 16.212(9)(a) above, each to contain a dwelling not provided in conjunction with farm use may be approved if these requirements are met:

(i) The property owner shall submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of up to two dwellings not in conjunction with farm use;

(ii) The non-farm dwellings shall comply with the requirements in LC 16.212(7)(f) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in LC 16.212(9)(a) above;

(v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in LC 16.212(9)(a) above;

(vi) The parcels for the non-farm dwellings are generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel may not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;

(vii) The parcel approved for a non-farm dwelling shall be disqualified for special assessment at value for farm use and any additional tax imposed as a result of disqualification shall be paid out in compliance with ORS 215.236; and

(viii) The dwelling complies with such other conditions as the Approval Authority considers necessary.

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(e) For the area of Lane County lying west of the summit of the Coast Range, a division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iii) The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size required by LC 16.212(9)(a) above but equal to or larger than 40 acres;

(iv) The parcels for the non-farm dwellings are:

(aa) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(bb) Composed of at least 90 percent Class VI through VIII soils;

(v) The parcels for the non-farm dwellings do not have established water rights for irrigation;

(vi) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land;

(vii) The non-farm dwellings shall comply with ORS 215.284(2) or (3);

(viii) The non-farm dwellings comply with LC 16.212(10)(f) through (h); and

(ix) The dwelling complies with other conditions considered necessary by the Approval Authority;

(f) For the area of Lane County lying east of the summit of the Coast Range, a division of land to divide a lot or parcel for a dwelling not provided in conjunction with farm use may be allowed if these requirements are met:

(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that:

(aa) Is equal to or larger than the minimum size required by LC 16.212(9)(a) above;

(bb) Is not stocked to the requirements under ORS 527.610 through 527.770;

(cc) Is composed of at least 95 percent Class VI through VIII soils;

(dd) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and

(ee) The new lot or parcel will not be smaller than 20 acres;

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(iii) The dwelling to be sited on the new lot or parcel complies with the requirements for dwellings not in conjunction with farm use in ORS 215.284(3) or (4), 215.236 and OAR 660-033-0130(4).

(g) Divisions under LC 16.212(9) (a) and (b) above shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of LC 16.212(5), (6), or (7) above for a dwelling are met.

(h) A person who sells or otherwise transfers real property zoned Exclusive Farm Use (E) may retain a life estate in a dwelling on that property and the tract of land under and around the dwelling. Partition approval is not required for the creation of such a life estate.

(i) A division of land may be allowed to create a parcel with an existing dwelling to be used for historic property provided:

- (i) The parcel is not larger than the minimum size necessary for the use;
- (ii) The dwelling to be used for historic property meets the requirements of LC 16.212(5)(e) above; and
- (iii) Any additional tax imposed for the change in use has been paid.

(j) A division of land may be allowed to create a parcel with an existing dwelling to be used as a residential home provided:

- (i) The parcel is not larger than the minimum size necessary for the use;
- (ii) The dwelling to be used as a residential home complies with LC 16.212(4)(b) above; and
- (iii) Any additional tax imposed for the change in use has been paid.

(k) A division of land may be allowed for the purpose of establishing a church, including cemeteries in conjunction with a church provided:

- (i) The church has been approved under LC 16.212(4)(u) above;
- (ii) The newly created lot or parcel is not larger than five acres;
- (iii) The new parcel for the church shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for non-farm dwellings authorized by LC 16.212(9)(d) through (f) above.

(l) Notwithstanding LC 16.212(9)(a) above, a division of land may be approved provided:

- (i) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;
- (ii) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel;
- (iii) A parcel created pursuant to this subsection that does not contain a dwelling:
  - (aa) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
  - (bb) May not be considered in approving or denying an application for siting any other dwelling;

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(cc) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(dd) May not be smaller than 25 acres unless the purpose of the land division is:

(A) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(B) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

(10) Development Requirements. Uses or activities allowed by LC 16.212(3) through (9) above, except farm use, shall comply with the requirements in LC 16.212(10)(a) through (d) below. Uses or activities allowed by LC 16.212(4) through (9) above shall comply with the development requirements in LC 16.212(10)(f) through (h) or (j) below when compliance is expressly required by LC 16.212(4) through (9) above.

(a) For approval of a use or activity allowed by LC 16.212(4) through (9) above that requires notice and the opportunity for appeal or a hearing, the Approval Authority shall balance the setback requirements of LC 16.212(10)(a) below with the applicable special use approval requirements in LC 16.212(4) through (9) in order to minimize adverse impacts upon nearby farm and forest uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.

(i) Dwellings to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" shall be sited as follows:

(aa) Near dwellings on other tracts.

(bb) With minimal intrusion into forest areas undeveloped by non-forest uses.

(cc) Where possible, when considering LC 16.212(10)(a)(i)(aa) and (bb) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU.

(ii) Dwellings to be sited upon all other tracts shall be sited as follows:

(aa) Where possible, in consideration of the dimensions and topography of the tract, at least 500 feet from adjoining lines of property zoned F-1 and 100 feet from adjoining lines of property zoned F-2 or EFU.

(bb) On the least valuable farm or forest areas of the tract or located near dwellings on other tracts.

(b) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer

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than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(d) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use.

(g) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(h) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(i) Prior to final approval for a dwelling that requires one or more contiguous or non-contiguous lots or parcels of a farm operation to comply with the gross income requirements, the applicant shall provide evidence to the Director that the covenants, conditions and restrictions form adopted April 26, 2002 and effective May 22, 2002 as part of OAR 660, Division 33, has been recorded with the county recorder or clerk of Lane County or other counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and:

(i) Shall preclude all future rights to construct a dwelling except accessory farm dwellings, relative assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS 215 or LC 16.212, 16.211 or 16.214; and

(ii) Shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a farm dwelling;

(iii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located. The Director has the authority to sign for Lane County.

(iv) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Lane County Recorder's Office, pursuant to LC 16.212(10)(i) above, and OAR 660-033-0135(9) and a map or other record depicting the lots and parcels subject to LC 16.212(10)(i) above and OAR 660-033-0135(9). The map or other record shall be readily available to the public in the county planning office.

(j) Transportation facilities and uses listed in LC 16.212(4)(o)(ix) through (xiii) shall comply with the following:

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(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02; 10-04, 6.4.04; 5-04, 7.1.04)*

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**NATURAL RESOURCE ZONE (NR-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.213 Natural Resource Zone (NR-RCP).**

(1) Purpose. The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

(a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;

(b) Watersheds and their streams or lakes are used for domestic water supplies;

(c) Vegetative cover is essential to maintain soil stability and prevent erosion;

(d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and

(e) Scenic quality or vistas or open space is unique and/or irreplaceable.

(2) Permitted Buildings and Uses. In the NR Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this subsection, subject to the general provisions and exceptions set forth:

(a) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.

(i) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.

(ii) Picnicking areas, day parks and playgrounds.

(iii) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State and Local fish and game regulations) and hiking and horseback riding.

(b) Fish and wildlife habitat management and the propagation of fish and wildlife.

(c) The following transportation facilities and uses, provided no filling or dredging is required:

(i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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(3) Special Uses - Director Approval. The following uses are subject to approval by the Director pursuant to LC 14.100:

(a) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker or operator in conjunction with use permitted in the district.

(4) Special Uses - ~~Director~~ Hearings Official Approval. The following uses are subject to approval by the Hearings Official pursuant to LC 14.300:

(a) Piers and boat houses.

(b) Single family dwelling or mobile home and accessory structures.

(c) Farm uses as defined by ORS 215.203(2), and any accessory uses.

(d) Forest uses and any accessory uses.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.213(4) above are subject to compliance with the following criteria:

(a) (i) Evidence is provided supporting reasons why the proposed use should be sited in a natural resource area.

(ii) That the proposed site is on land generally unsuitable for natural resource uses.

(b) That the proposed use will not significantly impact natural resource uses on adjacent and nearby natural resource lands, and will not significantly impact natural resources on the site of the proposed uses;

(c) That the proposed use will not significantly increase the costs of natural resource management on adjacent and nearby natural resource lands.

(d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;

(e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby NR zoned lands, and these measures may be established as conditions of approval; and

(f) That the proposed use is consistent with the policies contained in the Rural Comprehensive Plan and the purpose of the NR zone.

(6) Property Development Standards. All uses or activities permitted or conditionally permitted above, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from a wetland or from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within wetlands or within the riparian setback area designated for riparian vegetation protection by the rural comprehensive plan must comply with the provisions

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of LC 16.253(2) or LC 16.253(6), as applicable. *(Revised by Ordinance No. 7-87; Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04)*

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**MARGINAL LANDS ZONE (ML-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.214 Marginal Lands Zone (ML-RCP).**

(1) Purpose. The Marginal Lands Zone (ML-RCP) is intended to:

- (a) Provide an alternative to more restrictive farm and forest zoning.
- (b) Provide opportunities for persons to live in a rural environment and to conduct intensive or part-time farm or forest operations.
- (c) Be applied to specific properties consistently with the requirements of ORS 197.005 to 197.430 and the policies of the Lane County Rural Comprehensive Plan.

(2) Permitted Uses. The following uses are permitted subject to the general provisions and exceptions specified by this Chapter of Lane Code:

(a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.

(b) A dwelling or mobile home on a vacant legal lot created pursuant to the requirements of LC 16.214(6) below.

(c) One mobile home in conjunction with an existing dwelling or mobile home on the same legal lot as the existing dwelling or mobile home as a temporary use for the term of a hardship suffered by the existing resident or a relative of the existing resident subject to compliance with the following conditions:

(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.

(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.

(iii) Satisfactory evidence of the family member's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the family member's physician, therapist, or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.

(iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home.

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(d) Part-time farms.

(e) Woodlots.

(f) Intensive farm or forest operations, including, but not limited to, farm use.

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- (g) Nonresidential buildings customarily provided in conjunction with farm use.
- (h) Public or private schools, including all buildings essential to the operation of a school.
- (i) Churches.
- (j) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for use by public sale.
- (k) Operations for the exploration of geothermal resources as defined by ORS 522.005.
- (l) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment and facilities or buildings necessary for its operation.
- (m) The propagation or harvesting of a forest product.
- (n) Community centers owned and operated by a governmental agency or a nonprofit organization, hunting and fishing preserves, parks, playgrounds and publicly owned campgrounds.
- (o) Personal-use airport for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- (p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, and approval of the application pursuant to LC 14.100 and compliance with the criteria and provisions of this Chapter of Lane Code.

- (a) Privately owned campgrounds.
- (b) Golf courses.
- (c) Commercial utility facilities for the purpose of generating power for public use by sale.
- (d) Home occupations, subject to the following conditions and annual review:
  - (i) Will be operated by a resident of the property on which the business is located.
  - (ii) Will employ no more than five full or part-time persons.
  - (iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.214(2) above.
  - (iv) Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.
  - (v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.214(2) above.
  - (vi) Will comply with sanitation and building code requirements.
  - (vii) Will not be used as a justification for a zone change.

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(viii) Will comply with any additional conditions of approval.

(ix) Approved applications for home occupations shall be valid until December 31 of the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided below. Prior to December 31 of each year, the property owner or applicant who received initial approval, or a renewal pursuant to this Section, shall provide the Director with written request for renewal of the Home Occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a one-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this Section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(e) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(f) The boarding of horses for profit.

(g) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.

(h) Commercial activities that are in conjunction with farm use including the commercial processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use or pursuant to LC 16.214(3)(j) below.

(i) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(j) A facility for the primary processing of farm crops, or the production of biofuel as defined in LC 16.090 that complies with these requirements:

(i) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(ii) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(iii) A processing facility shall comply with applicable requirements in LC 16.212(10)(a) through (e) below. These requirements shall not be applied in a manner that prohibits the siting of the processing facility;

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(iv) A land division of a lot or parcel shall not be approved that separates the processing facility from the farm operation on which it is located.

(k) A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use and that complies with LC 16.212(10)(f) through (g) and LC 16.214(4) below.

(4) Criteria for Director Approval. Uses specified in LC 16.214(3) and (4) may be allowed if found to comply with the following criteria:

(a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(d) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(5) Uses Subject to Hearings Official Approval. The following uses are permitted subject to submittal of an application pursuant to LC 14.050, approval of the application by the Hearings Official pursuant to LC 14.300 and compliance with the approval criteria of LC 16.214(4) above and provisions of this Chapter of Lane Code:

(a) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate or other mineral resources or other subsurface resources.

(6) Area. Land in a Marginal Land zone may be divided as follows:

(a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197.

(b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197.

(c) A parcel of any size necessary to accommodate any of the nonresidential uses identified in LC 16.214(2)(h),(i),(j),(1) and (n) and LC 16.214(3)(a), (c),(f) and (g).

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and

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Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with other provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Height. None.

(e) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.214(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-91, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04)*



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**HISTORIC STRUCTURES OF-OR SITES COMBINING ZONE (/H-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.233 Historic Structures of-or Sites Combining Zone (/H-RCP).**

(1) Purpose. By reason of having a special historical character, an association with historic events or persons, their antiquity, uniqueness or representative style of their architectural design or method of construction, Historic Structures or Sites are deserving of special consideration. This section is intended to allow the County to review building permits or demolition permits to ensure that these and other Historic Structures and Sites identified in the future are preserved.

(2) Permit Required. No person may alter or demolish any Historic Structure or Site, unless a permit to do so has been issued by the Department upon review in accordance with the provisions of this section.

(3) Issuance of Permits. An application for a permit to alter or demolish a Historic Structure or Site shall be made by the owner, or his or her authorized agent, in the same manner as provided for in this Chapter for any building permit. The application shall be referred to the Planning Director by the Building and Sanitation Division.

(4) Planning Director Review. The Planning Director shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with LC 16.233(5) below. The application shall be processed in the manner provided for in LC 14.100. Prior to rendering a decision, notice of the application shall be given to the Lane County Museum Director and the Oregon State Historic Preservation Officer.

(5) Criteria.

(a) A permit to demolish a Historic Structure shall be approved only upon submission of evidence that the following criterion is met: Every reasonable effort shall be made to maintain the Historic Structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

(b) A permit to alter a Historic Structure or Site shall be approved only upon submission of evidence that the following criteria are met:

(i) Any use or change of use of the building or property should be compatible with the historical nature of the property.

(ii) Only the minimum alteration of the Historic Structure or Site and its environment necessary to achieve the intended use shall be allowed. (Consideration shall be given to the development guidelines listed below.)

(6) Development (Alteration) Guidelines. Due consideration shall be given to the following guidelines, based on their relative importance:

(a) Only the minimum alteration of the designated historic building, structure or site and its environment necessary to achieve the intended use should be allowed.

(b) The distinguishing original qualities or character of a designated building, structure or site and its environment should not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided.

(c) All designated buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance should be discouraged.

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(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

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**PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.238 Prime Wildlife Shorelands Combining Zone (/PW-RCP).**

(1) Purpose. The Prime Wildlife Shorelands Combining Zone (/PW-RCP) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species or a diversity of wildlife species. Lands in this zone serve to protect wildlife habitat, water quality, bank stability and provide flood control. The /PW RCP Zone is applied to areas of riparian vegetation and to the habitat limits of specific species of concern.

The /PW-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /PW-RCP Zone that require protection beyond that provided by the zone or zones with which the /PW-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /PW-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /PW-RCP Zone is combined. Where the requirements of the /PW-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /PW-RCP Zone by the Preliminary Investigation specified by LC 16.238(9) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /PW-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Dredged material disposal when the /PW-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(f) Shore-secured floating moorages, mooring buoys, multipurpose-multifamily, piling-docks and piers, dolphins and other moorage facilities in adjacent lakes and Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /PW-RCP Zone based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the following specified uses and no others are subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zone.

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- (ii) Criteria. All requirements set forth in LC 16.238(6), (7) and (8) below are met.
- (b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /PW-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.238(6), (7) and (8) below.
- (ii) Criteria and Conditions.
- (aa) The said parcel existed prior to July 24, 1980.
- (bb) The structures shall not occupy more than 30 percent of the lot area.
- (cc) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.
- (dd) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
- (ee) All otherwise applicable requirements of this section are met.
- (c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary.
- (aa) Public or commercial piling-type docks or piers.
- (bb) Private, multifamily or multi-use piling-type docks or piers.
- (cc) Mooring buoys which are permanently anchored to the estuary floor.
- (dd) Dolphins.
- (ii) Criteria.
- (aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).
- (bb) The use is not in violation of the purposes of the respective zone or zones with which the /PW-RCP Zone is combined.
- (cc) The use meets all criteria and conditions of the appropriate estuary zone.
- (dd) (I) Uses. All buildings and uses allowed as permitted uses in the respective zone or zones with which the /PW RCP Zone is combined, subject to the requirements of this section, except as expressly prohibited by LC 16.238(5) below.
- (ii) Criteria.
- (aa) Maintain the natural quality of surface and subsurface waters.
- (bb) Maintain bank stability.
- (cc) Avoid sedimentation of coastal waters.
- (dd) Maintain a shore-front zone of riparian vegetation at least comparable to that required in LC 16.238(6), (7) and (8) below or greater, if necessary, to provide flood control and preserve important riparian wildlife habitat.
- (ee) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.
- (ff) Any other applicable criteria provided within the respective zone within which the /PW-RCP Zone is combined.

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(gg) All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(d) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(e) (i) Uses. All buildings and uses permitted conditionally or by special use permit in the respective zone or zones with which the /PW-RCP Zone is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 16.238(5) below.

(ii) Criteria.

(aa) Maintain the natural quality of surface and subsurface waters.

(bb) Maintain bank stability.

(cc) Avoid sedimentation of coastal waters.

(dd) Maintain shore-front zone of riparian vegetation at least comparable to that required in LC 16.238(6), (7) and (8) below or greater, if necessary, to provide flood control and preserve important riparian wildlife habitat.

(ee) Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

(ff) Any other applicable criteria provided within the respective zone within which the /PW-RCP Zone is combined.

(gg) All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-living type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigations specified by LC 16.238(9) below, the following uses are specifically prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in Lane County Rural Comprehensive Plan.

(c) New piling-type piers of any descriptions when adjacent to a Natural Estuary Zone (NE-RCP).

(d) Dredged material disposal.

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(6) Site and Development Requirements. If found subject to the requirements of the /PW-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.238(9) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.238(6)(a) above. Where vegetation removal beyond that allowed in LC 16.238(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /PW-RCP Zone is combined.

(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(7).

(f) The shoreward half of the setback area specified by LC 16.238(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(7) below.

(i) All trees must be retained within the setback area specified by LC 16.238(7) below, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

(k) The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.

(l) Where public ownerships in the form of existing rights-of-way which provide access to coastal waters are involved in development subject to the regulations of this section, those ownerships shall be retained where possible, or replaced where not possible, upon the sale or disposal of the rights-of-way. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

(7) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /PW-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.238(6)(e)-(h) above.

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(b) Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(8) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /PW-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development:

(i) Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.

(ii) The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.

(iii) Minimum area requirements for the division of land shall be based on the minimum parcel size in the zone with which the /PW-RCP Zone is combined, or five acres, whichever is greater.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criteria, plus the following:

(i) There is a need which cannot adequately be accommodated on non-shoreland locations.

(ii) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /PW-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /PW-RCP Zone shall apply. The requirements of the /PW-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

(a) Lands which limit control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:

(i) Floodways and the floodway fringe.

(ii) Land lying between the mean high, high water and mean low water mark of coastal water bodies.

(iii) Dikes, dams, levees or steep embankments which control the coastal water body.

(iv) Lands along the ocean coast at or below the 26-foot elevation line.

(b) Adjacent areas of geologic instability which are composed of:

(i) Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.

(ii) Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.

(iii) Shorelands in dunal areas in which the enforcement of the use restrictions of the /BD-RCP Zone (LC 16.243) would be inadequate to protect water quality, water temperature or shoreland stability.

(c) Natural or human-made riparian resources. These lands are as follows:

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(i) Extend from 10 to 65 feet landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:

- (aa) Shading of coastal water body.
- (bb) Stabilization of shoreline.
- (cc) Habitat for rare or endangered wildlife species.
- (dd) Significant riparian vegetation areas as identified in the

Lane County Coastal Inventory.

(d) Areas of significant shoreland and wetland biological habitat, composed of:

(i) Freshwater marshes identified in the Lane County Rural Comprehensive Plan.

(ii) Areas currently identified by Nature Conservancy and included in the Lane County Coastal Inventory as significant natural areas or other areas which the Lane County Board of Commissioners may deem significant natural areas based on new inventory information.

(iii) Habitat, other than that listed in LC 16.238(9)(c)(i)(cc) above, which supports rare or endangered species.

(e) Areas necessary for water dependent and water related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Lane County Rural Comprehensive Plan.

(f) Areas identified in the Lane County Rural Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.

(g) Coastal headlands identified in the Lane County Coastal Inventory.

(10) Fees for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(11) Notification of Preliminary Investigation Determination. The Planning Director shall notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the /PW-RCP Zone and shall set forth the basis for the determination based on the criteria specified in LC 16.238(9) above.

(12) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal shall be as provided by LC 14.500.

(13) Exceptions to Nonconforming Uses. If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded, notwithstanding the provisions of LC 16.251.

(14) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days



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following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

(d) Proposals subject to special use approval or for building permits for uses otherwise allowed shall be forwarded in writing to the Oregon State Department of Fish and Wildlife within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(e) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(15) Application of Zone to Federal Lands. The application of the /PW-RCP Zone shall be held in abeyance until such time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.3.91; 5-96, 11.29.96)*

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**BEACHES AND DUNES COMBINING ZONE (/BD-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.243 Beaches and Dunes Combining Zone (/BD-RCP).**

(1) Purpose. The Beaches and Dunes Combining Zone (/BD-RCP) is intended to be used in conjunction with the underlying zones in all coastal beach and dune areas in order to:

(a) Ensure the protection and conservation of coastal beach and dune resources.

(b) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

(c) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

(d) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.

(e) To provide for such protection of beach and dune resources above and beyond that provided by the underlying zone.

(2) Intent. The requirements imposed by the /BD-RCP Zone shall be in addition to those imposed by the underlying zone. Where the requirements of the /BD-RCP Zone conflict with those of the underlying zone, the more restrictive requirements shall apply.

(3) Permitted Uses. All permitted buildings and uses allowed in the respective zone with which the /BD-RCP Zone is combined, except as may be provided otherwise by the provisions of LC 16.243(4) below.

(4) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal of an application pursuant to LC 14.050 and approval by the Director pursuant to LC 14.100, upon satisfaction of the applicable criteria:

- (a) (i) Uses. Beachfront protective structures.  
(ii) Criteria.

(aa) The structure is to protect development existing on  
January 1, 1977.

(bb) Visual impacts are minimized.

(cc) Public access is preserved.

(dd) Negative impacts on adjacent property are minimized.

(ee) Long-term or recurring costs to the public are avoided.

- (b) (i) Uses. Buried fuel tanks.  
(ii) Criteria.

(aa) The tanks are entirely free of leaks and have and  
impermeable coating.

(bb) The tank is located, to the greatest extent feasible, in a  
well-drained area.

(cc) The tank is not located in active foredunes, on other  
conditionally stable foredunes which are subject to ocean undercutting or wave  
overtopping, and on deflation plains subject to ocean flooding.

- (c) (i) Uses. Commercial removal of sand.  
(ii) Criteria.

(aa) The area is not an ocean beach.

(bb) Historic surplus accumulations of sand exist.

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(cc) A Site Investigation Report, as determined by the outcome of a Preliminary Investigation pursuant to specified-by-LC 16.243(910) below-is-conducted.

(dd) Removal of surplus sand can be accomplished without significant impairment of the natural functions of the beach and dune system, and hydraulic processes according to the Site Investigation Report.

(d) (i) Uses. Foredune breaching.

(ii) Criteria and Conditions.

(aa) The breaching is required to replenish sand supply in interdune areas; or

(bb) Emergencies on a temporary basis.

(cc) Such breaching does not endanger existing development.

(dd) The breaching does not adversely impact critical wildlife

habitat.

(ee) The areas affected by the breaching are restored.

(e) (i) Uses. Commercial drift log removal from beaches.

(ii) Criteria.

(aa) The removal will result in significant public benefit, improved recreational access, improved scenic values or protection of wildlife habitat.

(bb) The removal will not result in increased beach or foredune erosion which will endanger existing development.

(f) (i) Uses. Jetties on beach areas.

(ii) Criteria.

(aa) Adverse impacts on existing beach and shoreline development are minimized.

(bb) Public need is demonstrated.

(g) (i) Uses. All buildings and uses allowed conditionally or by special use approval in the respective zone with which the /BD-RCP Zone is combined.

(ii) Criteria and Conditions.

(aa) Applicable criteria provided within the respective zone with which the /BD-RCP Zone is combined.

(bb) All other provisions of this section.

(5) Prohibited Development Areas. No development, with the exception of minimal development, shall be permitted on the following dune landforms:

(a) Beaches, except as provided for in LC 16.243(4)(a) above.

(b) Foredunes, if subject to wave overtopping or ocean undercutting.

(c) Active dune forms.

(d) Nearshore deflation plain. The prohibition of development of active dune areas is not intended to prohibit the stabilization of open sand areas with appropriate pioneer and successional species, thereby removing these lands from the active dune classification.

(6) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.

(b) Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays

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caused by the unavailability of State or Federal processing information which may be deemed necessary for special permit review.

(c) Any use authorized by the provisions of this zone shall also require the securing of any necessary State or Federal permit, lease, easement of similar type of authorization.

(7) Coastal Shore Setback Requirements. Any development, with the exception of development provided for as special uses in LC 16.243(4)(a) above, which is permitted adjacent to ocean beaches must be setback from the mean high tide line a minimum of 50 feet measured horizontally. This setback may be increased if the Preliminary Investigation indicates hazard to the site due to:

(a) Low elevation of the site with respect to potential for wave action.

(b) Instability of dune landforms protecting the site from wave action.

(8) Additional Site and Development Requirements. The following requirements apply to all development, except the harvesting of timber as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities shall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:

(a) Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, fire safety requirements and the required septic and sewage disposal system.

(b) Vegetation free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

(c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(7)(a) above shall be replanted within nine months of the termination of major construction activity.

(d) Sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(e) Development shall result in the least topographic modification of the site as is possible.

(f) Slopes in excess of 25 percent shall be prohibited from development.

(g) Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.

(h) The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the respective zone with which the /BD-RCP Zone is combined, unless specifically provided otherwise by the provision of the /BD-RCP zone.

(9) Area Requirements. The minimum area for the division of land may be increased where the requirement otherwise is insufficient to meet the following standards:

(a) Environmental Quality Commission nitrate nitrogen loading standards for subsurface sewage disposal.

(b) No more than five percent impermeable surface shall be allowed.

(10) Preliminary Investigation Required. Any proposal for development, with the exception of minimal development or timber harvesting activities as permitted by the respective zone with which the /BD-RCP zone is combined, shall require a Preliminary Investigation (Development Hazards Checklist) by the Planning Director to determine:

(a) The dune landform(s) present on the site.

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- (b) Hazards associated with the site.
- (c) Hazards presented by adjacent sites.
- (d) Existence of historical or archeological sites.
- (e) Existence of critical fish or wildlife habitat as identified in the Lane County Coastal Inventory or sites identified by Nature Conservancy.
- (f) Potential development impacts, including cumulative impacts.
- (g) If a full or partial Site Investigation Report shall be required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

(11) Fee for Preliminary Investigation. To partially defray the expense in performing the Preliminary Investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by order of the Board of County Commissioners.

(12) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) shall determine if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

(13) Notification of SIR Requirement. The Planning Director shall notify the applicant of the results of the Preliminary Investigation and if a SIR shall be required. The notification shall be by mail within 10 days of completion of the Preliminary Investigation.

(14) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(15) Qualifications for SIR Preparation. The SIR shall be prepared by a person or team of persons qualified by experience, training and area. The applicant shall either:

(a) Choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, and approved by the Board of County Commissioners; or

(b) Designate a person or team of persons to prepare the SIR with said persons' qualifications, subject to the approval of the Planning Commission, based on standards established by the Board of County Commissioners.

(16) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

(17) Condition Imposed Based on SIR Recommendations. Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development for the purposes of safety, health, welfare and in keeping with the purpose of the /BD-RCP Zone.

(18) Appeal to Hearings Official. An applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, or the imposition of conditions based on the SIR, and the manner for such an appeal shall be as provided by LC 14.500.

(19) Applicable Geographical Features. The /BD-RCP Zone is applied to all coastal beach and dune landforms as specified in the Lane County Rural Comprehensive Plan. These are:

- (a) Beaches.
- (b) Foredunes.
- (c) Active dune forms.
- (d) Recently stabilized dune forms.
- (e) Older stabilized dune forms.
- (f) Interdune forms.

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The boundaries of the /BD.-RCP Zone are shown on the Lane County zoning maps as specified by LC 16.252.

(20) Application of Zone to Federal Lands. The application of the /BD-RCP Zone shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State or County ownership. The Rural Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96)*

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(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

(iii) LC 16.212(10)(f) through (g) below.

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools, including all buildings essential to the operation of a school, that comply with these requirements:

(i) Public or private schools are not permitted on high value farm land;

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and (4)(b-b)(i) above, lawfully existing public or private schools that are on high value farmland and wholly zoned Exclusive Farm Use (E-RCP) may be maintained, enhanced or expanded on the same tract subject to compliance with the general requirements and provisions of LC Chapter 16; and

(iii) On land that is not high value farmland, new public or private schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

(c-c) Destination resort that is approved consistent with the requirements of Goal 8 and that complies with these requirements:

(i) LC 16.212(10)(f) through (g) below; and

(ii) New destination resorts are not permitted on high value farm land.

(d-d) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings for its operation that complies with these requirements:

(i) Uses allowed by LC 16.212(4)(d-d) above are not permitted on high value farm land; and

(ii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(d-d)(i) above, lawfully existing facilities described in LC 16.212(4)(d-d) above that are on high value farm land may be maintained, enhanced or expanded on the same tract if the existing facilities are wholly located in the Exclusive Farm Use (E-RCP) zone and comply with the general provisions and requirements of LC Chapter 16.

(e-e) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment facilities or buildings necessary for its operation. Such a facility shall comply with these requirements:

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(i) Uses allowed by LC 16.212(4)(e-e) are not permitted on high value farm land;

(ii) LC 16.212(10)(f) through (g) below; and

(iii) Notwithstanding LC 16.212(4) (the requirements for a special use permit and to provide notice and opportunity for appeal or to conduct a hearing) and LC 16.212(4)(e-e)(i) through (ii) above, lawfully existing solid waste disposal sites that are located on high value farm land and that are wholly within the Exclusive Farm Use (E-RCP) zone may be maintained, enhanced or expanded on the same tract subject to compliance with the general provisions and requirements of LC Chapter 16.

(f-f) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and that comply with these requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(g-g) Armed forces reserve center, if the center is within one half mile of the main campus of a community college. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility.

(h-h) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community and that comply with LC 16.212(10)(f) through (g) below.

(i-i) Golf courses that comply with these requirements:

(i) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "Golf Course" means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

(aa) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

(bb) A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(cc) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this subsection, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(dd) Accessory uses provided as part of a golf course shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course or that provides goods or services customarily provided to golfers at a golf course. Accessory uses to a golf



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**AIRPORT SAFETY COMBINING ZONE (/AS-RCP)  
RURAL COMPREHENSIVE PLAN**

**16.246 Airport Safety Combining Zone (/AS-RCP).**

(1) Purpose. The Airport Safety Combining Zone (/AS-RCP) is applied to those lands adjacent to the Creswell Airport (Hobby Field), the Cottage Grove Airport, the Oakridge Airport, the McKenzie Airport and the Florence Airport. The /AS-RCP Zone is intended to safeguard land uses adjacent to these airports from noise and hazards associated with aircraft operations and to protect existing use and potential expansion of the airport itself from incompatible development. Specifically, the /AS-RCP Zone is intended to carry out the following purposes:

(a) Prevent the creation or establishment of obstructions that are a hazard to air navigation and flight.

(b) Prevent the creation or establishment of other hazards to air navigation and flight such as distracting light and glare producing surfaces, radio interference, smoke, steam and dust, areas which attract birds and hazards of a similar nature.

(c) Restrict new development of land uses not normally compatible with noise and safety hazards associated with airport operations.

(2) Applicability. The /AS-RCP Zone is applied to those lands adjacent to the Creswell Airport, the Cottage Grove Airport, the McKenzie Airport, the Oakridge Airport and Florence Airport which are encompassed by the surfaces set forth and described in LC 16.246(5) below and diagramed in LC 16.246(9) below. For purposes of this Chapter, the elevations of the five runways are established as follows:

(a) Cottage Grove - 641 feet above sea level.

(b) Creswell - 535 feet above sea level.

(c) Florence - 12 feet above sea level.

(d) Oakridge - 1419 feet above sea level.

(e) McKenzie - 1620 feet above sea level.

(3) Use Limitations. In a/AS-RCP Zone, the following limitations and standards shall apply to all uses permitted, allowed conditionally or allowed as special uses by the primary zone with which the /AS-RCP Zone is combined.

(a) The height of structures or objects shall not exceed the maximum height of the primary zone with which the /AS-RCP Zone is combined. Furthermore, no structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate the surfaces described in LC 16.246(5) below. Areas located in more than one of the described surfaces shall be subject to the most restrictive (i.e., lowest) surface.

(b) All structures and uses within the /AS-RCP Zone shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor. No use may be made of land or water in such a manner as to create electrical interference with navigation signals or radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way endangering the landing, take off or maneuvering of aircraft intending to use the airport.

(c) All structures and uses within this combining district shall conform to the requirements of Federal Aviation Regulations, Part 77 or successor, and to other Federal and State laws as supplemented by Lane County ordinances, particularly Lane

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County Ordinance No. 105, or successor, regulating structure height, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

(4) Uses Prohibited. The area lying beneath the Approach Surface beginning at the end of the Primary Surface and extending outward a horizontal distance of 1,000 feet shall be considered to be a clear zone. Within this clear zone, no structure or object, except for fences and navigational aids approved by the airport operator, shall be erected, placed, altered, allowed to grow or be maintained above the surface of the ground.

(5) Surface Described.

(a) Approach Surface. A surface longitudinally centered on the runway centerline, extending outward and upward from the ends of the Primary Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 5,000 feet and widening from the width of 250 feet to 1,250 feet at its outer edge.

(b) Conical Surface. A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 horizontal feet to one vertical foot for a horizontal distance of 4,000 feet. This surface rises from 150 feet above the runway and extends to a height of 350 feet above the runway.

(c) Horizontal Surface. A horizontal plane 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the Primary Surface and connecting the arcs with tangent lines.

(d) Primary Surface. The Primary Surface is a plane longitudinally centered on the runway centerline and extending 200 feet beyond the ends of the prepared runway surface and having a width of 250 feet. For purposes of this section, the Primary Surface shall be considered as having the same elevation as its respective runway as the same are specified in LC 16.246(2) above. The centerpoints at the ends of each Primary Surface shall be considered as having the following coordinates:

	<u>North Coordinate</u>	<u>East Coordinate</u>
Cottage Grove Airport	787358	1331306
	790828	1331606
Creswell Airport	833934	1339698
	836415	1339781
Oakridge Airport	766146	1472836
	767325	1469017
McKenzie Bridge Airport	920159	1582521
	920810	1585438
Florence Airport	868731	1050341
	869823	1049883

(e) Transitional Surfaces. These surfaces extend outward at 90 degree angles from the sides of the Primary Surface and Approach Surface at a slope of one horizontal foot to seven vertical feet to their intersection with the Horizontal Surface. This surface extends to a height of 150 feet above the runway.

(6) Marking and Lighting. The owner of any existing structure or object that does not conform to the height limitations of this section shall be required to permit the installation, operation and maintenance thereon of such markers and lights as may be deemed necessary by the airport operator to indicate to the operators of aircraft in the vicinity of the airport, of the presence of such aircraft obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the airport operator.

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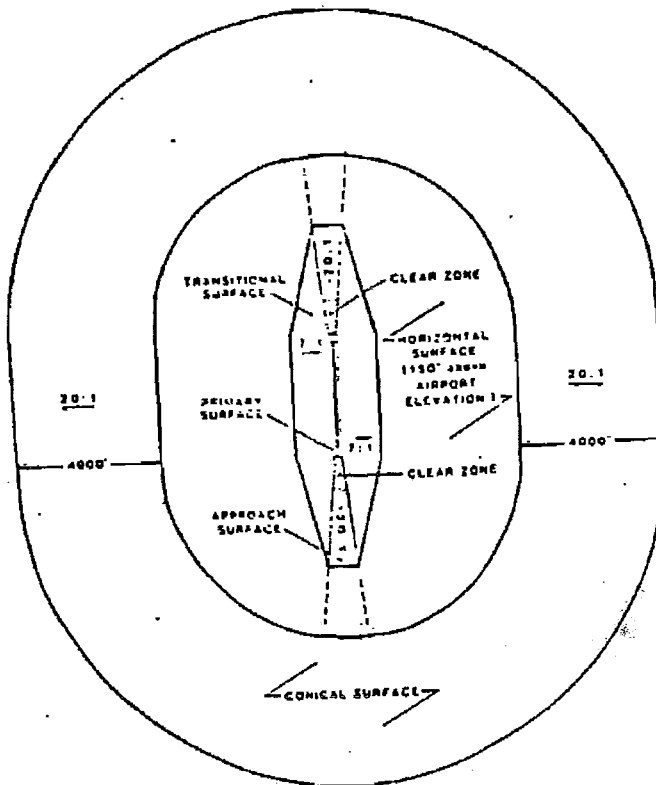
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(7) Special Requirements for Construction Permits. Within the area beneath the Approach Surface, no construction permit shall be issued for any building, mobile home or other structure designed and intended for human occupancy until the property owner has agreed to waive action against the County and the airport for noise, property damage or personal injuries resulting from activities connected with the airport. Such waiver shall apply only when such activities are conducted in conformance with rules and regulations of the airport and applicable Federal and State air regulations and no negligence on the part of the County or the airport is involved. The waiver shall be in a form prescribed by the Planning Director and shall be binding on the grantees, their heirs, assigns and successors in title.

(8) Area. Established by underlying, parent zone.

(9) Surfaces Diagramed. The surfaces described in LC 16.246(5) above are as illustrated in the diagram below: *(Revised by Ordinance 7-87, Effective 6.17.87; 10-04, 6.4.04)*



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**16.250 Parking Areas.**

Required garages and parking areas for residential and industrial development will be found under the zoning classification.

(1) Residential Properties. The regulations of this subsection are in addition to off street parking requirements of specific zones.

(a) When a single-family residence is located on a site inaccessible by automobile due to topographic conditions or excessive grades, a private garage or parking space shall not be required.

(b) Unless otherwise allowed by the zone, and exclusive of recreational vehicles, off street parking shall be limited to passenger cars, vans and pickups of not more than one ton manufacturer's capacity rating or comparable size. This size limitation does not apply to vehicles being used in conjunction with Rural Home Occupations.

(c) Commercial vehicles other than allowed by LC 16.250(b) above may be parked on residential properties only for reasonable periods of time for deliveries, structural repair and similar purposes.

(d) Recreational or utility vehicles, including, but not limited to, boats and boat trailers, campers and residential-type utility trailers, shall not be parked or stored on the property at any time in a location obstructing motorists' vision clearance of roadways.

(e) Unless otherwise allowed by the zone, off street parking areas shall not be used for the dismantling of any vehicle for the purpose of selling, trading or dealing in any manner with components thereof as a primary or secondary business.

(f)  
(i) Inoperable vehicles and parts thereof, junk or salvage materials may be visibly stored on the premises unless such storage interferes with the reasonable use and enjoyment of other lots within 300 feet of the lot use for storage. In that event, all automotive parts, junk, salvage material and all but one inoperable vehicle shall be stored in a location not visible from any adjacent road or from ground level of lots within 300 feet which are of similar elevation as the lot upon which the storage is taking place, or shall be screened to prevent such visibility. The allowable inoperable vehicle may be stored within the structural setback area, but shall not be parked or stored at any time in a location obstructing motorists' vision clearance of roadways. Nothing in this subsection shall be construed as allowing storage within the front structural setback area except as otherwise allowed herein.

(ii) Names of residents filing complaints under provisions of LC 16.250(1)(f)(I) above shall be a matter of public record.

(g) Except as allowed by this Chapter, vehicles belonging to persons other than those residing on the lot shall not be stored or repaired for remuneration, traded, sold or offered for sale from the property. This includes vehicles left on consignment and vehicles owned temporarily primarily for resale. The sale of more than two vehicles per family member from one lot within a 12-month period shall be interpreted as "temporary ownership" unless the family member has owned said vehicles longer than 12 months.

(h) Storage of refrigerators, freezers or other airtight compartments containing more than one and one-half cubic feet shall not occur at any time until the doors have been removed or secured, latches removed or other precautions taken so the compartment can be easily opened from the inside. Any appliance stored in violation of this subsection may be removed by the County from the premises and stored elsewhere at the owner's expense, or other remedial action taken to secure immediate compliance.

(2) Nonresidential Private Parking.

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(a) Automobile parking space allowing 300 square feet per automobile (parking, plus driving space) shall be provided and maintained for any new or enlarged building as listed below:

(i) Churches, auditoriums, theaters, stadiums, clubs and business schools or similar places of assembly, at least one permanently maintained parking space for every four seats provided in said building or structure; provided that 50 percent of the required number may be supplied by off street parking facilities for other kinds of commercial establishments or uses not normally open, used or operated during the principal operating hours of the place of assembly.

(ii) For hotels and apartment hotels, at least one permanently maintained parking space for each of the first 20 individual guest rooms, and one additional parking space for every three guest rooms in excess of 20.

(iii) Auto courts shall provide at least one parking space for each lodging unit.

(iv) For fraternity, sorority and student houses, at least one parking space for each lodging unit.

(v) For hospitals and welfare institutions, at least one permanently maintained parking space for each 300 square feet of floor area.

(vi) Clinics shall provide at least two parking spaces for each consultation and operating room.

(vii) For business or commercial buildings or structures, at least one permanently maintained parking space for every 300 square feet or fraction thereof of floor space within the building, exclusive of automobile parking space.

(viii) Mortuaries shall provide parking spaces for all people employed therein, plus at least one parking space for each 200 square feet of building floor area.

(b) Parking spaces shall be on the lot with the main building or structure, or located not more than 800 feet there from.

(3) Loading Space. In addition to the 10-foot setback requirement from the centerline of the alley, every hospital, hotel, institution, commercial or industrial building hereafter erected or established which abuts upon an alley or is surrounded on all sides by streets shall have one permanently maintained loading space for commercial vehicles of not less than 10 feet in width and 22 feet in length for each 4,000 square feet of lot area or fraction thereof upon which the building is located; provided that not more than two such loading spaces shall be required.

(4) Public Parking Areas. Land hereafter used for public parking areas shall be developed according to the following standards:

(a) Asphaltic, concrete or other approved type of surfacing.

(b) Bumper guards where needed.

(c) An ornamental fence, wall or hedge enclosing the parking area to a height not less than three feet nor more than six feet, but adhering to the vision clearance and front and side yard setbacks established for the zone district in which it is located. Said fence, wall or hedge shall be maintained in good condition.

(d) When a parking lot adjoins property classified in an "R" Zone, the setback for the parking lot shall conform to the requirements for the adjacent "R" Zone and the ornamental fence, wall or hedge between the "R" Zone and the parking lot shall be six feet in height.

(5) Height.

(a) Height limits established for the various zones refer to the height of the building proper. Roof structures, such as housing for elevators, tanks, ventilating

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fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures, may exceed the height limit herein prescribed.

(b) On lots sloping downhill from the street, buildings may have an additional story; provided the ceiling of the lowest story is not more than two feet above the average curb level along the front of the lot.

(6) General Building Setback Requirements.

(a) Side Yard.

(i) No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the Zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet.

(ii) Fences, walls or hedges which tend to serve as a wall or yard enclosure may be maintained in a side yard, provided they do not exceed six feet in height.

(7) General Lot Area and Width Requirements.

(a) The site area requirements of Chapter 16 shall not apply to prohibit the erection of a single-family dwelling on a lot separately owned on or before January 8, 1969, or on any numbered lot in an approved and filed major or minor subdivision plat of record on or before January 8, 1969, except for the E-RCP, F-1, RCP and F-2, RCP Zones, where use of preexisting parcels is provided for in a different manner.

(b) The minimum area requirements of Chapter 16 shall not be construed to govern in situations where greater minimum area requirements are imposed or required by State law, State rules and regulations, the provisions of this Code, or other County rules and ordinances.

(c) Refer also to LC 13.050 to 13.105 Design and Development Standards for other lot area, width and depth requirements which may be applicable. .  
(Revised by Ordinance 7-87, Effective 6.17.87)

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**PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO  
REQUIREMENTS  
RURAL COMPREHENSIVE PLAN**

**16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.**

(1) Purpose. As the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be required. Such Amendments shall be made in accordance with the procedures of this section.

(2) Criteria. Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.

(3) Initiation/Application.

(a) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board as provided in LC 16.252(3)(b) below.

(b) By Board. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board in the form of a request to the Planning Commissions that they—~~it~~ consider the proposed zoning, rezoning or amendment.

(c) By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050.

(4) Moratorium on Permits and Applications -- Legislative Matters.

(a) After any matter for zoning, rezoning or amendment to this chapter affecting particular property has received tentative action by the Board, but has not yet become final and effective, no Zoning, Land Division or Building Code Application or request shall be accepted, granted, issued or approved, except as herein provided.

(b) After such final action, granting of subsequent Applications or requests shall be in accordance with the requirements of the zoning classification or requirements as amended by the final action.

(c) The provisions of this subsection shall not be applicable to the issuance of Building, Plumbing Permits, or on-site sewage for normal repairs or corrections, nor shall the provisions apply when the proposed Application or request meets both the requirements of the existing zoning requirement and the proposed change or amendment, or to the approval of a final minor partition, a major partition map or subdivision plan.

(5) Planning Commission Public Hearing and Notice -- Legislative Matters.

(a) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.

(b) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.

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(c) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 16.252(2) above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board accordingly that the proposal be adopted or rejected. The Planning Commission and Board may hold one concurrent hearing.

(6) Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300.

(7) Action by the Board.

(a) Unless the Board and Planning Commission hold a concurrent hearing, upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 16.252(6) above, the Board shall schedule a public hearing as provided in LC 16.252(7)(b) below. The Board may schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.

(b) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board may first refer the proposed alteration or modification to the Planning Commission or Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

(8) Conditional Approval. The approving authority may impose reasonable conditions if the application is approved to be completed within one year.

(9) Official Zoning Map.

(a) The location and boundaries of the various zones established by this chapter shall be shown and delineated on maps covering portions of the County. These maps, upon their final adoption, shall be known as the Official Zoning Map.

(b) The Zoning Map shall be established by ordinance. Subsequent amendments to the Official Zoning Maps, either for establishing zoning for previously unzoned property or for rezoning may be made by Ordinance or Order of the Hearing Authority in accordance with the provisions of LC 16.014, LC 16.015, and this section.

(10) Error in Legal Description. Notwithstanding any other provision in this chapter, where the sole basis for a zoning or rezoning, whether initiated by Application, the Planning Commission or the Board, is an error in a legal description in the Ordinance or Order zoning or intended to zone the property, the zoning or rezoning shall be referred to the Planning Director for investigation and a report. After such investigation and report, the zoning or rezoning shall be considered in accordance with the procedures for hearings provided in LC 16.252(5) and (6) above. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-08, 7.11.08)*



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**CLEAR LAKE WATERSHED  
PROTECTION ZONE (CLWP-RCP)**

**16.258 Clear Lake Watershed Protection Zone (CLWP-RCP).**

(1) Purpose. The Clear Lake Watershed has been recognized as an area deserving protection in order to maintain high water quality in Clear Lake as a domestic water supply source. The Oregon Environmental Quality Commission has adopted regulations to protect the water quality of Clear Lake. The Clear Lake Watershed is made up of properties, a substantial majority of which are in private ownership. The general purpose of the Clear Lake Watershed Protection Zone is to protect the quality of the Watershed, and at the same time, protect the rights of private property owners to make reasonable use of their land. The specific purposes of the Clear Lake Watershed Protection Zone are:

(a) To protect the aquifer and surface waters (the Lakes) of the Clear Lake Watershed;

(b) To help achieve the water quality standards set-forth in OAR 340-41-270 and to ensure that all uses within the Clear Lake Watershed are consistent with the objective of achieving these water quality standards; and

(c) To provide clear and objective development standards necessary to meet water quality standards and avoid land use litigation.

(2) Applicability and Definitions.

(a) The Clear Lake Watershed Protection Zone (CLWP-RCP) shall be applied to those parcels or portions of parcels, and all subdivision lots located in whole or in part within the Clear Lake Watershed as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(b) Terms, phrases and words shall be construed as specified in LC 16.090 except, as used in this section only, the following words and phrases shall have the meaning ascribed below and shall supercede definitions otherwise provided in this Code unless the context clearly indicates a contrary meaning:

Drainage. Water from precipitation, surface or subterranean water from any source, but not sewage.

Farming or Farm Use. The act of farming, as defined in ORS 215.203(2).

Forestland. Land designated as forest land in the Lane County Rural Comprehensive Plan, excluding subdivision lots.

Forest Operations. All activities related to forest management including, but not limited to: harvesting, forestry-related road construction and maintenance, site preparation for reforestation, tree planting, application of insecticides, herbicides, rodenticides, fertilizers or other chemical substances, slash disposal and pre-commercial thinning.

Lakes. Clear Lake and Collard Lake located in western Lane County, Oregon.

Legal Lot. A unit of land created by a subdivision or partition of land in compliance with all applicable planning, zoning and partitioning ordinances and regulations, or by deed or land sale contract if there were no applicable planning, zoning or partitioning ordinances or regulations at the time of such creation.

Parcel. Any legal lot or parcel that is not a subdivided lot or subdivision lot as set forth below.

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**Removal/Remove.** The act of mechanically or manually disrupting or dislodging the root structure of vegetation, in a manner that will result in the death of the vegetation. Removal does not in any context include normal harvesting, trimming or pruning of vegetation which does not cause the death of the vegetation.

**Riparian Area/Riparian Setback.** The area shoreward and parallel to the ordinary high-water mark of the Lakes. For parcels, the setback area shall be 100 feet in width; for subdivision lots, the setback area shall be 50 feet in width.

**Sewage.** A combination of water-carried human, animal or industrial waste. While it may include some drainage, it is substantially septic in its characteristics.

**Sewage Disposal System.** Any device or system used in the collection, transport, storage, treatment, recycling, and reclamation of sewage, including, but not limited to tanks, pipelines, drain fields, pumps, lagoons and treatment plants, chemical treatments and maintenance practices.

**Subdivided Lot/Subdivision Lot.** Any legal lot totally or partially within the Collard Lake portion of the Watershed, located in the following subdivisions: Mercer Lake Heights; Mercer Lake Heights, 1st Addition except Lot 28; Mercer Lake Heights, 2nd Addition; Collard Lake Heights; Collard Lake Heights, 1st Addition; Collard Lake Acres.

**Tract.** One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

**Watershed.** A geographic area within the boundary generally described as the drainage basin for the Lakes from the top of the basin ridge of the Lakes, and including the land and water within the area as identified in the Clear Lake Watershed legal description and map (Appendix "A"), except Lot 28 of Mercer Lake Heights, 1st Addition.

(3) **Permitted Uses.** The following structures and uses are permitted, without notice and opportunity to appeal, as hereinafter specifically provided for by this section.

(a) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicating the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:  
(aa) Intact exterior walls and roof structure;  
(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;  
(cc) Interior wiring for interior lights; and  
(dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

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(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Maintenance, repair, additions to or replacement of any existing improvements including, but not limited to, roadways, footpaths, structures (except dwellings set forth in LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a)) and open space.

(c) Harvesting of wild crops.

(d) Non-commercial recreation.

(e) Shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins.

(f) Forest operations and forest practices.

(g) Farming located on a parcel when the farming is more than 300 feet measured horizontally from the ordinary high water mark of the Lakes.

(h) Nonresidential or agricultural buildings in conjunction with uses allowed in LC 16.258.

(i) Local distribution lines (e.g., electric, telephone, natural gas, water) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals, water lines, pumps), or equipment which provides service hookups, including water service hookups.

(j) On subdivision lots:

(i) Residential homes as defined in ORS 197.660, in existing dwellings.

(ii) Bed and breakfast accommodations.

(iii) A guest house.

(k) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(4) Permitted Uses Subject to Objective Standards. The following structures and uses are permitted, without notice or opportunity to appeal, subject to the objective standards outlined in LC 16.258(7) and (8) below, which provide assurance that the use is consistent with the protection of water quality and natural values specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the boundaries of the CLWP-RCP zoning district.

(a) A single-family dwelling and accessory structures in conjunction with such use on a legal lot or parcel; provided, however, that dwellings and accessory structures sited on tax lots 200, 300 and 301, Lane County Assessor's map no. 18-12-12, are subject to the following additional requirements, as may be applicable:

(i) The dwelling or structure is sited on a tract containing at least 160 contiguous acres; or

(ii) The dwelling or structure is sited on a tract containing at least 200 acres in one ownership containing parcels that are not contiguous but located in Lane County or an adjacent county and zoned for forest use; and

(iii) the owner of two or more parcels required to meet the minimum acreage requirements of LC 16.258(4)(a)(i) or (ii) above shall submit proof that nonrevocable deed restrictions in the form attached as Appendix "B" have been recorded in the county deed records which shall contain covenants, conditions and restrictions that:

(aa) Shall be irrevocable, unless a statement of release is signed by the Director;

(bb) May be enforced by the Department of Land Conservation and Development or by Lane County; and

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(cc) Shall, together with a map or other record depicting any tracts which do not qualify for a dwelling under the recorded deed restrictions, be maintained in the Department records and be readily accessible to the public.

(iv) The failure to follow the requirements of LC 16.258(4)(a)(iii) above relating to the recording of the deed restrictions shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is the subject of the covenants, conditions and restrictions required by this subsection.

(b) Alteration, restoration or replacement of a lawfully established dwelling when the foundation is not located wholly or partially on the same site and the application complies with the following nondiscretionary requirements:

(i) The dwelling was lawfully established on the subject property based upon the following information on record with Lane County:

(aa) One or more building permits or inspections indicating that the dwelling was established on the subject property in compliance with these permits; or

(bb) Department of Assessment and Taxation records indicate that the structure is assessed as a dwelling and has been annually assessed as a dwelling from a date prior to any zoning regulations on record with the Department of Public Works, Land Management Division that would have prohibited the dwelling or that would have required conditional or special use permits for the dwelling.

(ii) The established dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) For purposes of this section, the "same site" is defined as wholly or partially within a square with dimensions 200 feet which is centered on the footprint of the established dwelling.

(iv) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(c) Water intake facilities, related filtration, treatment and/or transmission facilities, pumping stations and distribution lines owned and operated in conjunction with a public or private domestic water supply system, as may be applicable.

(5) Discretionary Uses Subject to Director Approval. The following uses may be allowed provided a land use application is submitted pursuant to LC 14.050 and approved by the Planning Director pursuant to LC 14.100, upon the determination that the standards contained in this section and LC 16.258(7) and (8), as may be applicable, have been satisfied which will provide assurance that the use is consistent with standards adopted for the protection of water quality and natural values as specified in the Rural Comprehensive Plan and the Coastal Resources Management Plan within the CLWP-RCP zoning district.

(a) Alteration, restoration or replacement of a lawfully established dwelling that complies with the following requirements:

(i) The dwelling was lawfully established on the subject property, and the applicant has provided sufficient evidence, other than the evidence required in LC 16.258(3)(a)(i), that the dwelling was lawfully established.

(ii) The dwelling has the following improvements:

(aa) Intact exterior walls and roof structure;

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(bb) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) Interior wiring for interior lights, and;

(dd) A heating system.

(iii) The lawfully established dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(b) Home occupations under the following conditions:

(i) The home occupation will be operated by a resident or employee of a resident of the property on which the business is located;

(ii) The home occupation will employ on the site no more than five full or part-time persons;

(iii) The home occupation will be operated substantially in the dwelling or in a structure normally associated with uses permitted in LC 16.258. Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation, unless such structure is a verified nonconforming use under LC 16.251(1)(a) through (c);

(iv) The home occupation will not unreasonably interfere with other uses permitted in LC 16.258 and will comply with any additional conditions of approval;

(v) The home occupation remains and operates in compliance with LC 16.258(5)(b) and with the conditions upon which approval of the home occupation was granted.

(c) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands or similar areas of unique value, and the vegetation and wildlife supported by such waters, artificial stream bank, shoreline stabilization or lake level maintenance (e.g. dams) adjacent to the Lakes, and stabilization necessary to protect lawful structures; provided, however, that such activities shall not endanger water quality, and surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(d) One temporary mobile home in conjunction with an existing dwelling or mobile home subject to compliance with the following conditions:

(i) A resident of the existing dwelling or mobile home and a resident of the mobile home are family members.

(ii) One of the residents mentioned above suffers a hardship and needs the care of the other above-mentioned resident and family member.

(iii) Satisfactory evidence of the family member's hardship is furnished which shall include:

(aa) A written statement, on a form provided by the Department, from the family member's physician, therapist or other professional counselor, disclosing the existence and general nature of the hardship.

(bb) A written statement, on the form provided by the Department, disclosing the family relationship of the person with the hardship and the person who will provide care.

(iv) The temporary mobile home will be located on the same legal lot as the existing dwelling or mobile home

(v) The temporary mobile home will be connected to the same on-site sewage disposal system serving the existing dwelling or mobile home.

(vi) The temporary mobile home will comply with sanitation and building code requirements.

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(vii) Approval of temporary mobile home permits shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situations cease.

(viii) Within three months of the end of the hardship, the temporary mobile home shall be removed from the property or demolished. A temporary mobile home approved under LC 16.258(5)(d) shall not be eligible for replacement under LC 16.258(3)(a), 16.258(4)(b) and 16.258(5)(a) above.

(e) Parks, playgrounds and community centers on subdivision lots, provided:

(i) The proposed use will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in LC 16.258; and

(ii) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands.

(f) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(6) Prohibited Uses. Except as allowed in LC 16.258(3)(e) and LC 16.258(5)(c) above, the following uses and activities are specifically prohibited:

(a) Fill or extraction in the Lakes.

(b) Fill or extraction in freshwater marsh areas located below the ordinary high water mark of the Lakes.

(c) Development within a riparian area, except for:

(i) Pedestrian paths not to exceed five feet in width;

(ii) Access to launch sites on the Lakes not to exceed 15 feet in width;

(iii) Maintenance of existing roadways, footpaths, and open space;

(iv) Maintenance, repairs, additions to or replacement of any existing structures or improvements; and

(v) Vegetation removal consistent with LC 16.258(11).

(vi) Necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration, distribution and/or transmission facilities.

(d) Application of petroleum products on graveled surfaces, except as used as preparation for an asphalt concrete or like surface.

(e) Using or storing materials within the Watershed in a manner that poses a significant threat to water quality in the Lakes.

(f) Constructing or installing in the Lakes any structure, including but not limited to, shore-secured floating moorages, mooring buoys, docks, boat houses, piers and dolphins, with materials that pose a significant threat to water quality in the Lakes, such as railroad ties treated with creosote or other materials treated with hazardous substances on a list published by DEQ.

(g) Engaging in an activity or allowing a situation to exist on property within the Watershed which will cause erosion resulting in sediments and materials being deposited in the Lakes which pose a significant threat to water quality in the Lakes. The owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the property or a construction project on the property which will cause erosion prohibited by LC 16.258(6)(g) shall take precautions to prevent that erosion during the permitted activity and thereafter. Such precautions may include, but are not limited to:

(i) Temporary or permanent soil stabilization structures or practices, or both;

(ii) Temporary or permanent sediment control devices or both;

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(iii) Avoiding unnecessary excavation and removal of indigenous vegetation; and

(iv) Replacement of removed vegetation within 60 days following completion of the construction activity

(7) Objective Standards for Structures. A plot plan shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(a) No structure other than a fence or sign shall be located closer than 20 feet from the right-of-way of a state, county or local public access road specified in LC Chapter 15.

(b) No structure other than a fence or sign shall be located closer than 10 feet to an adjoining property line, except that for any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the structural setback for property lines other than front-yard shall be five feet.

(c) Cornices, canopies and eaves may extend two feet into any required setback area.

(d) All roofed structures regulated by the ~~Uniform Building Code~~ **Oregon Structural Specialty Code or Oregon Residential Specialty Code** shall have Class A or B roofing as defined by the code and each chimney shall be equipped with a spark arrestor.

(e) New dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be sited to provide fuel breaks as required by LC 16.258(12) on land surrounding the dwelling that is owned or controlled by the owner.

(8) Objective Development Standards for Dwellings.

(a) Applicant Responsibility A plot plan and any necessary supporting documentation shall be submitted by the applicant with necessary detail showing conformance with the following objective standards:

(i) Fire Suppression Water Supplies. Dwellings and habitable structures shall be located within a fire protection district or shall be provided with residential fire protection by contract with the nearest district. If the dwelling or habitable structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impractical, an adequate fire suppression system meeting the requirements of LC 16.258(12)(c) shall be provided.

(ii) Domestic Water Supply. Each new dwelling on forestland shall have a domestic water supply from a source authorized in accordance with the Water Resources Department administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). Evidence of domestic water supply shall include:

(aa) Verification from a water purveyor that the dwelling will be served by the purveyor under the purveyor's rights to appropriate water; or

(bb) A water use permit issued by the Water Resources Department for the dwelling; or

(cc) Verification from the Water Resources Department that a water use permit is not required for the dwelling. If the water supply is from a well and is exempt from permitting requirements under ORS 537.545, the well constructor's report shall be submitted to the county upon completion of the well.

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(iii) Connection to Public Sewage Disposal System. Each new dwelling on a subdivision lot shall connect to a public sewage disposal system where such system is legally and physically available. In the event that a public sewage disposal system is not legally or physically available, the owner shall sign and record in county deed records an irrevocable petition and agreement binding upon the owner, and successors in interest, agreeing to connect to a public sewage disposal system when it does become legally and physically available as required by LC 16.258(8)(b)(viii).

(iv) Drain Field Location. Any new sewage disposal drain field installed on a parcel shall be located outside the Watershed or at least 100 feet measured horizontally from the ordinary high water mark of the Lakes.

(v) Tree Stocking. The owner of each new dwelling on forestland shall establish a sufficient number of trees on the tract to meet the minimum stocking requirements of the Forest Practices Act. The following requirements will apply:

(aa) The owner shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;

(bb) The Planning Director shall notify the county assessor of the stocking requirement;

(cc) If the lot is more than 10 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

(dd) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(vi) Forest Practices Declaration. The owner of each new dwelling on forest land shall provide evidence of a document signed and recorded in the county deed records binding the owner, and the owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) Certified Engineer's, Architect's or Geologist's Report. A plot plan or statement, as may be applicable, shall be submitted by an engineer, architect, or geologist licensed by the State of Oregon, as may be applicable, with necessary detail showing compliance with the following standards:

(i) Runoff from any proposed impervious structure shall not be discharged off site over the surface of the lot or parcel. For the purposes of this paragraph, "structure" shall include that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land, including a building, dwelling, mobile home, manufactured home and accessories, and above ground gas or liquid storage tanks. Roadways, driveways, walks and pedestrian paths shall not be considered structures for purposes of this paragraph.

(ii) Dwellings shall be restricted to slopes of less than 40 percent

(iii) Where dune forms exist, certification that the development shall result in the least topographical modification to the site as practicable.



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(iv) For development proposed on a dune land form, a determination identifying the type of land form involved and whether compressible subsurface areas exist on the development site. If compressible subsurface areas exist on the development site, foundations shall be engineered.

(v) Where dune forms exist, sand stabilization shall be required during all phases of construction and post-construction as specified by standards set forth in the LM 10.056 and 10.060.

(vi) If the proposal for development includes the construction of new roads or driveways within the boundaries of the CLWP-RCP Zoning District, a determination that the construction of the new road or driveway will not have an adverse impact on any of the following:

- (aa) Water quality;
- (bb) Identified hazards associated with activities on the development site or presented by conditions on adjacent sites;
- (cc) Historical or archaeological sites as identified in the Lane County Rural Comprehensive Plan;
- (dd) Critical fish or wildlife habitat as identified in the Lane County Coastal Inventory;
- (ee) Adjacent areas of geologic instability, if any, which have a direct impact on water quality or on shoreline stability;
- (ff) Existing Class I streams on the legal lot or parcel;
- (gg) Areas of significant shoreland and wetland biological habitat composed of freshwater marshes located below the ordinary high water mark of the Lakes and areas included in the Lane County Coastal Inventory as significant natural areas, or other areas which the Lane County Board of Commissioners may deem significant natural areas based on newly adopted inventory information.

(vii) Fire Safety Design Standards for Roads. Notwithstanding LC Chapter 15, construction of roads and driveways within the Watershed providing access to dwellings shall comply with the standards of this section. In the event the standards of LC Chapter 15 and this section are inconsistent, the standards of this section shall take precedence.

(aa) Definitions. As used herein, "road" means a way of access providing, or proposed to provide, access for more than three dwellings, and "driveway" means a way of access providing access, or proposed to provide access, for three dwellings or less.

(bb) Existing Roads and Driveways.

(i-i) For the purposes of limiting reconstruction of existing roads and driveways and thereby minimizing potential erosion within the Watershed, a road or driveway existing as of the date of adoption and application of these provisions to the property on which the road is located, including a road or driveway from which a new road or driveway extension is proposed, shall not be considered a new road or driveway:

(ii-ii) Use of existing roads and driveways for access to new development shall be made where practicable.

(cc) Location and Design. To the extent practicable, new access roads and driveways shall be located and designed to minimize sediment entering the Lakes by minimizing:

(i-i) the length between the public road and the dwelling site;

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(ii-ii) the removal of indigenous vegetation in forested areas;  
(iii-iii) the disturbance of the natural topography; and  
(iv-iv) the number of crossings over drainage courses including streams.

(dd) **Methods of Compliance - Fire Design Standards.** New roads and driveways shall be designed and constructed at the minimum width necessary to accommodate fire suppression vehicles. Applicants may establish compliance with this standard by obtaining written verification of compliance from the agency providing fire protection, or applicants may include in the plot plan or statement required by LC 16.258(8)(b) information showing that the following minimum standards have been addressed:

(i-i) **Road Dimensions.** New roads shall have an unobstructed travel surface width of at least 15 feet; or, if the new road has vehicle passage turnouts 20 feet in length and eight feet in width at intervals of not less than 400 feet, the new road may have an unobstructed travel surface of at least 10 feet,

(ii-ii) **Driveway Dimensions.** New driveways shall have an unobstructed travel surface width of at least 10 feet.

(iii-iii) **Road and Driveway Surfaces.** New roads and driveways shall be constructed with travel surfaces with a gravel depth of not less than six inches.

(iv-iv) **Additional Road and Driveway Standards.** New roads and driveways shall have an additional unobstructed clearance area one foot along each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet, 6 inches.

(v-v) **Hammerhead Turnarounds.** Any new private, dead-end road or driveway more than 500 feet in length shall include a hammerhead turnaround at the home site, and an additional hammerhead turnaround at the entry to the property if the home site is located more than 400 feet from the entry to the property. Hammerheads shall have an improved surface with a minimum turning radius of 20 feet, an overall depth of at least 60 feet, and a width of at least 20 feet. Hammerheads on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches.

(vi-vi) **Bridges and Culverts.** New bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 15 foot road width surface or a minimum 10 foot driveway surface. Railway flat bed cars of narrower widths are acceptable for short bridges on private roads and driveways with written verification from an engineer licensed in the State of Oregon attesting that the railway car has sufficient strength to maintain a minimum gross weight of 50,000 lbs.

(vii-vii) **Road and Driveway Grades.** Road and driveway travel surface grades shall not exceed 16 % (percent) except for short distances when topographic conditions make compliance impractical.

(ee) **Identification.** Roads shall be named and addressed in compliance with LC 15.305 -15.335.

(viii) **Access Easement and Petition.** All owners proposing development on a subdivision lot, subject to the standards in LC 16.258(7) and (8), shall execute the following documents which shall be recorded in the official deed records of Lane County:

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(aa) An irrevocable petition consenting to the construction of a public sewage disposal system to serve the subdivision lot and agreeing to connect thereto when such system becomes legally and physically available at the same cost as that charged to other similarly situated subdivision lot owners; and

(bb) A perpetual easement providing access to any public drainage or sewage disposal system constructed on the legal lot for purposes of insuring drainage disposal and sewage treatment and disposal consistent with the regulations of local and state agencies concerned with sewage treatment and disposal, and water quality in the Lakes. This easement shall be given to the local governmental unit providing drainage or sanitary sewer service, as may be applicable, and shall allow the employees and agents of the grantee to perform their official duties regarding the inspection, operation and maintenance of such facilities.

(9) Site Investigation Reports (SIR). If any of the factors listed in LC 16.258(8)(b)(vi)(aa-gg) above are identified and exist where they will be adversely impacted by the road or driveway:

(a) A Site Investigation Report (SIR) is required. The form and content of the SIR is as specified by LM 10.060. The SIR is designed to provide in-depth information concerning hazards and potential adverse impacts associated with the proposed road or driveway and to suggest methods for minimizing or mitigating the impacts.

(b) Preparation of a SIR, if required under the provisions of LC 16.258(9)(a), is the responsibility of the applicant. All costs borne in preparation shall be paid by the applicant.

(c) The SIR shall be prepared by a qualified person or team of persons having expertise and familiarity with the area. The applicant shall choose a person or team of persons from a current list of qualified persons or firms to be compiled and maintained by the Department of Public Works, Land Management Division, based on standards approved by the Board of County Commissioners.

(d) Based on the information and recommendations provided in the SIR, the Planning Director may impose conditions upon the proposed development of the road or driveway for the purpose of minimizing or mitigating hazards or adverse impacts and preserving the water quality of the Lakes.

(e) An applicant may appeal the determination of, or the imposition of conditions based on the SIR, in the manner for such appeal as provided by LC 14.500.

(10) Area. The minimum area requirement for the division of land is 80 acres, except as follows:

(a) A division of forestland, as designated in the Lane County Rural Comprehensive Plan, to facilitate a forest practice as defined in ORS 527.620 may be allowed to create a parcel containing less than 80 acres, provided findings demonstrating that there are unique property specific characteristics present in the proposed parcels that require an amount of land smaller than 80 acres in order to conduct the forest practice and the following requirements are met:

(i) The new parcels shall not be eligible for siting an additional dwelling;

(ii) The parcels shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iii) The parcels shall not, as a result of the land division, be used to justify the redesignation or rezoning of resource lands;

(iv) The parcels shall not contain less than 35 acres except:

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(aa) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency, or;

(bb) Where the purpose of the land division is to allow transactions in which at least one person is a person with cumulative ownership of at least 2,000 acres of forestland; and

(v) If associated with the creation of a parcel where a dwelling is involved, the parcel where the dwelling is involved shall not contain less than 80 acres.

(b) A parcel may be created for an existing dwelling on land designated forestland in the Lane County Rural Comprehensive Plan, subject to the following requirements:

(i) The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall be no larger than 10 acres;

(ii) *The dwelling must be lawfully existing since prior to June 1, 1995.*

(iii) The remaining parcel not containing a dwelling must contain 80 acres, or, the remaining parcel not containing the dwelling, must be consolidated with another parcel, and together the parcels must contain 80 acres;

(iv) The remaining parcel not containing a dwelling is not entitled to a new dwelling unless subsequently authorized by law or goal;

(v) The landowner shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded in the official deed records of Lane County. The restriction shall allow no new dwellings unless authorized by law or goal on lands zoned for forest use. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to state-wide planning goals pertaining to agricultural land or forestland. The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(vi) The landowner shall complete and record a Forest Management Agreement in the Lane County deed records, recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules and declaring that the owner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(c) For those lands that are subdivided lots, the minimum area requirement for the division of land is one acre.

(d) For those lands that qualify for marginal land zoning under ORS 197.247 (1991 Edition), the minimum area required for the division of land is:

(i) Ten acres if the lot or parcel is not adjacent to land zoned for exclusive farm use or forest use, or if it is adjacent to such land, the adjacent land qualifies for designation as marginal land under ORS 197.247 (1991 Edition).

(ii) Twenty acres if the lot or parcel is adjacent to land zoned for forest use or exclusive farm use and that adjacent land does not qualify for designation as marginal land under ORS 197.247 (1991 Edition).

(11) Restoration of Vegetation Within Riparian Areas. Except as allowed by LC 16.258(11)(a) below, a permit to remove vegetation, or if a permit is required due to unauthorized removal of vegetation, within the riparian area, shall require an application by the owner of the property, or other person responsible, for a Preliminary Investigation. Potential impacts identified in LC 16.258(11)(b) shall be addressed and/or mitigated

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through the review, approval and implementation of a Restoration Plan pursuant to LC 16.258(11)(b) below.

(a) Exemption. No permit under this section shall be required for removal of vegetation:

(i) Associated with the construction of a pedestrian path not to exceed five (5) feet in width, access to launch sites on the Lakes not to exceed fifteen (15) feet in width, maintenance of existing roadways, footpaths and open space, maintenance, repair, addition to or replacement of any existing structures or improvements and necessary clearing, grading and construction of surface or sub-surface utilities to serve water intake, filtration and/or transmission facilities.

(ii) That poses a safety or health hazard, such as a danger tree.

(b) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal and the potential impacts of the removal to water quality in the Lakes. For the purpose of this section, potential adverse impacts shall include the removal of vegetation in whole or in part, which poses a significant threat to the functions identified in this subsection. This investigation shall identify the approval criteria which must be addressed by the property owner in the Restoration Plan pursuant to LC 16.258(11)(c) below, and shall include identification of the removed vegetation serving one or more of the following functions:

(i) Shading of the Lakes;

(ii) Stabilization of a stream bank or shoreline;

(iii) Habitat for sensitive aquatic or terrestrial wildlife species;

(iv) Habitat for rare, endangered or threatened species;

(v) Water quality of the Lakes.

(c) Restoration Plan. Where required by the Preliminary Investigation, the person responsible for removing the vegetation shall submit a Restoration Plan to the Director pursuant to LC 14.050, which includes a complete inventory of the vegetation which was removed or is proposed for removal. The vegetation inventory shall identify previous and existing plant community locations and the maturity and densities of previously existing or current plant species. An approved Restoration Plan shall establish compliance with the following criteria and shall be subject to conditions of approval set by the Director in accordance with LC 16.258(11)(d) below:

(i) Restoration of the riparian area shall provide a recovery and restoration planting schedule to include successional planting, seasonal maintenance, and other management activities that provide for the complete recovery of vegetation;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation;

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation; and

(iv) Mitigation of any other condition resulting from the removal of vegetation from the riparian area identified as having a significant adverse affect upon water quality in the Lakes.

(d) Director's Action.

(i) The Director may approve the Preliminary Investigation and Restoration Plan if there are adequate findings of fact supporting mitigation of the adverse impacts and the applicable approval criteria for the proposed Restoration Plan. The Director may impose conditions of approval necessary for compliance with the applicable criteria. Notice of the written decision shall be provided pursuant to LC 14.100.

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(ii) Reasonable conditions may be placed upon the permit and the approval of a Restoration Plan to mitigate impacts and to provide for continued compliance with the protection standards as set forth in the Restoration Plan approved under LC 16.258(11)(d)(i) above. Unless otherwise approved, implementation of the plan must commence within 60 days of the Director's approval of the Restoration Plan. Required subsequent maintenance and successional plantings shall be identified in the Restoration Plan approved by the Director. Conditions may include, but are not limited to, the following:

(aa) The person responsible may be required to enter into a performance agreement to pay all costs associated with implementing the Restoration Plan.

(bb) The Director may require the person responsible to record notice of the requirements of the Restoration Plan and performance agreements in the Lane County Deed Records.

(cc) To partially defray the expense in performing the Preliminary Investigation, a fee shall be charged the applicant. Such fee shall be as established by Order of the Board of County Commissioners.

(iii) The Director shall notify the applicant of the determination of the Preliminary Investigation and the requirements of a Restoration Plan, if any, by mail within 10 days of completion of the Preliminary Investigation.

(iv) As provided in LC 14.500, an applicant may appeal the determination of the Preliminary Investigation.

(12) **Fuel Breaks and Fire Suppression.** No indigenous vegetation shall be removed from the riparian area around the Lakes for the purpose of complying with the secondary fuel break requirements of this section because the Lakes are bodies of water which mitigate the shoreward fire hazard. Fuel breaks around new dwellings, or replacement dwellings on a different site as authorized by LC 16.258(4)(b) and 16.258(5)(a), located on forestland parcels shall be established and maintained as follows:

(a) **Primary Safety Zone.** The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot by application of the following standards:

(i) Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height).

(ii) Individual or small groups of trees should be spaced with at least 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches.

(iii) Accumulated leaves, needles, and other dead vegetation should be removed from beneath trees.

(iv) Nonflammable materials (e.g., rock), instead of flammable materials (e.g., bark mulch), should be placed next to the house.

(v) As slope increases, except in the riparian area, the primary safety zone should increase away from the house, parallel to the slope and down the slope, as shown in the table below:

<b>Size of the Primary Safety Zone by Percent Slope</b>		
<b>% Slope</b>	<b>Feet of Primary Safety Zone</b>	<b>Feet of Additional Safety Zone Down Slope</b>
0	30	0

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10	30	50
20	30	75
25	30	100
40	30	150

(b) **Secondary Fuel Break.** The secondary fuel break is a fuel break located on the applicant's property extending a minimum of 100 feet in all directions around the primary safety zone. The secondary fuel break shall not apply in the riparian area. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced by application of the following standards:

(i) Individual or small groups of trees shall be spaced with at least fifteen (15) feet between the crowns, and pruned to remove dead and low (less than 8 feet) branches.

(ii) Small trees and brush growing underneath larger trees should be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(c) **Fire Suppression Water Supply.** Unless otherwise authorized by the Planning Director, the minimum acceptable fire suppression water supply system for dwellings and habitable structures not provided with residential fire protection from a fire protection district shall include the following:

(i) 1,500 gallon water reservoir with a submersible 1 1/2 HP pump. Alternatives, such as road access to a water supply which meets or exceeds this requirement, may be allowed subject to review and approval by Land Management Division pursuant to LC 16.258(13), below;

(ii) a minimum of two, one-inch frost-free valve operated hydrants;

(iii) a minimum of two hose reels installed 50 to 75 feet from the dwelling foundation;

(iv) each hose reel shall contain a minimum of 100 feet of 1 inch diameter hose;

(v) each hose shall have a 1/4 inch diameter nozzle;

(vi) all hoses shall be rated for fire suppression systems;

(vii) vehicle access to within 15' of the water reservoir or water supply for fire-fighting pumping units;

(viii) the road access shall accommodate the turnaround of fire fighting equipment during the fire season; and

(ix) permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(13) **Verification of Compliance with Conditions of Approval.** An application to verify compliance with conditions of land use approval, together with the required processing fees, shall be required for any dwelling requiring fuel breaks or a fire suppression system, any proposed use requiring a site investigation report under LC 16.258(9) above, or any Director's level or Hearing Official decision for which conditions of approval have been imposed. Prior to commencement of the use or the issuance of any occupancy permit for the dwelling, the conditions of approval must be met and verified by the Lane County Land Management Division.

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**LEGAL DESCRIPTION OF CLEAR LAKE WATERSHED**

Beginning at point known as Tank One, located in Section One, Township 18 South,  
Range 12 West, of the Willamette Meridian, Lane County Oregon;

Run thence S. 67° 50' 51.5" E. 97.8 ft. to the True Point of Beginning;  
Run thence S. 05° 40' 43.0" W. 1960.62 ft. to a point,  
Run thence S. 04° 58' 45.4" E. 1301.91 ft. to a point,  
Run thence S. 52° 44' 01.0" W. 231.21 ft. to a point,  
Run thence S. 15° 20' 45.4" E. 774.62 ft. to a point,  
Run thence S. 31° 44' 14.0" W. 520.89 ft. to a point,  
Run thence S. 00° 24' 43.9" W. 834.02 ft. to a point,  
Run thence S. 07° 49' 01.8" W. 1191.07 ft. to a point,  
Run thence S. 50° 26' 06.3" W. 73 1.61 ft. to a point,  
Run thence S. 02° 51' 10.5" W. 301.37 ft. to a point,  
Run thence S. 36° 37' 58.2" W. 918.41 ft. to a point,  
Run thence S. 47° 12' 26.3" W. 1321.86 ft. to a point,  
Run thence S. 72° 58' 54.2" W. 498.84 ft. to a point,  
Run thence S. 85° 44' 21.3" W. 955.64 ft. to a point,

Which is N. 11° 39' 16.9" W. 5434.90 ft. from a point known as Green Two  
(located in section 13 in said Township and Range);

Run thence N. 58° 09' 44.1" W. 1630.28 ft. to a point,  
Run thence N. 25° 23' 10.1" W. 1978.00 ft. to a point,  
Run thence N. 16° 34' 21.0" W. 1731.95 ft. to a point,  
Run thence N. 06° 13' 18.0" W. 747.40 ft. to a point,  
Run thence N. 03° 50' 32.8" E. 671.51 ft. to a point,  
Run thence N. 59° 33' 18.9" E. 1117.02 ft. to a point,  
Run thence N. 59° 50' 06.0" E. 1894.56 ft. to a point,  
Run thence N. 48° 28' 40.0" E. 897.56 ft. to a point,  
Run thence N. 31° 29' 50.7" E. 920.64 ft. to a point,  
Run thence N. 19° 46' 39.6" E. 1524.95 ft. to a point,  
Run thence S. 76° 05' 37.1" E. 748.95 ft. to a point,  
Run thence S. 57° 33' 30.2" E. 445.53 ft. to a point,  
Run thence S. 78° 27' 44.9" E. 394.98 ft. to a point,  
Run thence S. 61° 55' 39.0" E. 323;00 %. to a point,  
Run thence N. 89° 04' 46.8" E. 249.03 ft. to a point,  
Run thence S. 67° 43' 17.4" E. 245.31 ft. to a point,  
Run thence S. 79° 55' 09.8" E. 45.71 ft. to a point,  
Run thence S. 83° 59' 27.6" E. 95.52 ft. to a point,  
Run thence N. 42° 02' 57.2" E. 68.68 ft. to a point,  
Run thence S. 80° 41' 24.2" E. 61.81 ft. to a point,  
Run thence S. 10° 47' 03.5" E. 128.27 ft. to the True Point of  
Beginning.

APPENDIX "A" TO LANE CODE  
CHAPTER 16 (LC 16.258(2))  
Page 1

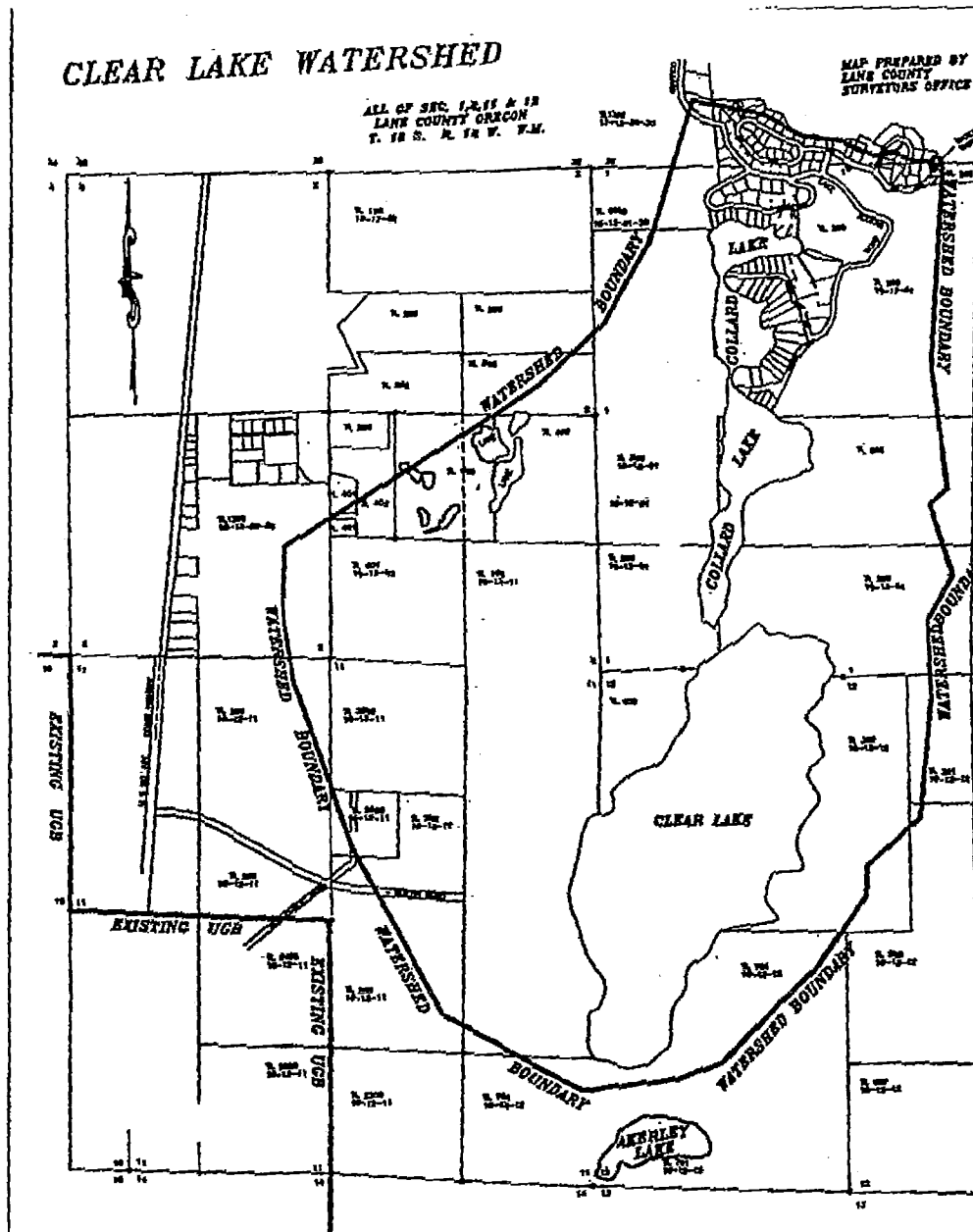


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**Declaration of Covenants, Conditions and Restrictions Form**

Whereas, the undersigned \_\_\_\_\_ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions: It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are locate executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

State of )  
County )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

APPENDIX "B" TO LANE CODE  
CHAPTER 16 (LC 16.258(4)(a)(iii))  
Page 1

*(Revised by Ordinance No. 6-98, Effective 12.2.98; 10-04, 6.4.04)*

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PAGES 16-556 THROUGH 16-575  
ARE RESERVED FOR FUTURE EXPANSION

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**TELECOMMUNICATION TOWER STANDARDS  
RURAL COMPREHENSIVE PLAN**

**16.264 Telecommunication Tower Standards.**

(1) Purpose. The provisions of this section are intended to ensure that telecommunication facilities are located, constructed, maintained and removed in a manner that:

- (a) Recognizes the public need for provision of telecommunication facilities;
- (b) Allows appropriate levels of service to be obtained throughout the County;
- (c) Minimizes the number of transmission towers throughout the County;
- (d) Encourages the collocation of telecommunication facilities; and
- (e) Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the county. Nothing in this section shall preclude collocation opportunities nor adversely affect multiple use towers. Nothing in this section shall apply to amateur radio antennae, or facilities used exclusively for the transmission of television and radio signals.

(2) Definitions. As used in LC 16.264, the following words and phrases mean:

Ancillary facilities. The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennae. An electrical conductor or group of electrical conductors that transmit or receive radio signals, excluding amateur radio antennae.

Attachment. An antenna or other piece of related equipment affixed to a transmission tower.

Changeout. Reconstruction or replacement of existing collocations or transmission towers with similar equipment, in conformance with LC ~~16.264~~(3)(h) below.

Collocation. Placement of an antenna or related telecommunication equipment on an existing structure or building where the antennas and all supports are located on the existing structure or building.

Provider. A person in the business of designing and/or using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Telecommunication Facility. A facility designed and/or used for the purpose of transmitting, receiving, and relaying voice and data signals from antennae, related telecommunication equipment, towers and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "telecommunication facilities."

Tract. A unit of land comprised of adjacent parcels and lots under the same ownership.

Transmission Tower. The structure, such as a monopole or lattice framework, designed to support transmitting and receiving antennae and related telecommunication equipment. For purposes of this section, amateur radio transmission

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facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers."

(3) Standards applicable to all telecommunication facilities.

(a) Telecommunication facilities shall be limited to the height necessary to provide the service, not to exceed 200 feet in height from ground level.

(b) Based on the existing conditions and vegetation at the site, telecommunication facilities shall be designed and constructed to reduce visibility of the facilities. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.

(i) The transmission tower shall be surfaced in a non-reflective material that minimizes glare and is colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background.

(ii) The antenna, related telecommunication equipment and ancillary facilities shall be surfaced in non-reflective material to match the transmission tower. If not attached to a transmission tower, they shall be colored similar to the adjacent background.

(c) Consideration shall be given to other sites and equipment that would have less visual impact than those proposed. The applicant shall demonstrate that less intrusive sites and equipment are not available or do not provide the communication coverage necessary to provide the service. Visual impact can be measured by techniques including, but not limited to, balloon tests and photo simulations.

(d) No lighting of telecommunication facilities is allowed, except as required by the Federal Aviation Administration, Oregon Department of Aviation or other federal or state agencies. Required lighting shall be shielded from the ground to the extent it does not violate state or federal requirements.

(e) Equipment areas shall be enclosed by a chain link fence or equivalent.

(f) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.

(g) Maintenance and repair of a lawfully existing telecommunication facility does not require a land use application approval.

(h) Changeouts. The changeout of an existing transmission tower or collocation does not require a land use application when the following criteria apply:

(i) The new equipment does not increase the tower height or base diameter.

(ii) No new lights are proposed unless required by the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).

(iii) The new equipment does not increase the number of antennas or external transmitters. Existing antennas and external transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters.

(iv) The replacement antennas or external transmitters shall not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.

(v) The new equipment shall have a similar exterior color as the existing equipment.

(i) Within a forest zone, the following standards shall apply:

(i) A fuel break shall extend 50 feet surrounding ancillary facilities containing **new or replacement** propane or gas powered generating equipment.

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Except for trees, vegetation within the fuel break shall be maintained at less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet above ground) branches. Nonflammable materials (i.e., gravel) shall be placed within 30 feet surrounding ancillary facilities that contain propane or gas powered generating equipment.

(ii) Private roads and driveways that provide access to **new or replacement** transmission towers in the forest zones shall comply with the Fire Safety Design Standards of LC 16.211(8)(e)(i) through (vii).

(j) Notice. In lieu of the notice area in LC 14.100(4) and 14.300(3)(d), when the application involves a leased area notice shall be sent to landowners and applicable community organizations recognized by the Lane County Board of Commissioners in LM 3.513, within ½ mile of the leased area. If the property does not contain a leased area, notice shall be sent as required by LC 14.100(4) or 14.300(3)(d), as applicable.

(4) Standards for a new or replacement transmission tower.

(a) Review & notice process. An application for placement of a transmission tower requires submittal of an application in accordance with LC 14.050 and a hearing with the Director in accordance with LC 14.300, excluding LC 14.300(3)(d) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(4).

(b) Neighborhood meeting. Prior to submittal of a land use application, the applicant shall conduct a neighborhood meeting in the general area of the proposed telecommunication tower.

(i) The applicant shall, at least fourteen (14) days but not more than thirty (30) days in advance of the meeting, mail notice of the meeting in conformance with 16.264(3)(j). In addition, the notice shall be sent to tenants living within the noticed area. The notice shall state the date, time, and location of the meeting and that the topic of the meeting is to discuss the proposed location of a telecommunication facility on the subject property and to hear from area residents about any concerns they might have with the proposal. The notice shall state the Lane County map and tax lot numbers for the subject property and the address for the subject property.

(ii) The applicant shall, at least ten (10) days in advance of the meeting, publish notice of the meeting in a newspaper of general circulation serving the area. The published notice shall contain the information required by LC 16.264(4)(b)(i) for the mailed notice.

(iii) Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.

(c) Required submittals. The application shall contain the following information:

(i) A site plan, drawn to scale, showing:

(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

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(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate;

(C) Documentation in the form of lease agreements for a minimum of two collocations on the proposed telecommunication tower.

(iii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by any proposed collocations, complies with the non-ionizing electromagnetic radiation (NIEER) emission standards as set forth by the Federal Communications Commission (FCC).

(iv) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(4)(f)(iv). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(v) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vi) A map of all transmission towers and properties that have obtained approval for a transmission tower, within ten (10) miles of the proposed facility.

(vii) Certification by an Oregon-registered professional engineer that the design of the tower will support at least three users (the primary user and two collocation sites).

(viii) Evidence of the notification and the neighborhood meeting.

(ix) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the telecommunication tower, ancillary facilities, and restoration of the site.

(x) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(d) Performance standards. The transmission tower shall comply with the following:

(i) The tower shall be necessary to provide service to the intended area. The applicant shall provide evidence the existing and approved telecommunication facilities within ten miles would not provide an adequate level of service, based on the following:

(A) Lack of useable and compatible collocation space;

(B) Inability to meet service coverage area and capacity needs; or

(C) Technical reasons such as channel proximity and inter-modulation.

(ii) The transmission tower shall be designed to accommodate at least three users (the primary user and two collocation sites).

(iii) The cumulative radio frequency emissions from all the collocations on a single structure shall not exceed the maximum exposure limits of the FCC.

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(iv) When access is provided by a private road, all necessary access easements and roadways shall be maintained.

(v) Prior to land use approval of a building permit for a telecommunication tower, the applicant shall:

(A) Provide documentation showing the FAA, the ODA, and any other applicable state agency, have approved the tower, or that the tower does not require approval by these agencies;

(B) When the tower is within 14,000 feet of an airport, provide the FAA registration number for the transmission tower, or documentation showing the tower does not require registration.

(e) Setbacks and separation requirements.

(i) Setbacks. The tower shall comply with the setback of the base zone.

(ii) Separation. The tower shall be 1200 feet from any dwelling or school, except:

(A) An encroachment into the separation distance is allowed if the homeowner(s) who is being encroached upon submits written approval of the encroachment.

(B) This separation shall not apply to any dwellings or schools located on the parcel containing the proposed tower.

(f) Expiration and Renewal of the Special Use Permit.

(i) If a telecommunications tower is not placed into service within 2 years of issuance of a building permit, the special use permit shall expire.

(ii) In lieu of LC 14.700(4), all conditions of approval must be completed by December 31st of the year following the date of final special use permit approval. No time extensions are allowed. The special use permit shall be renewed every two (2) years thereafter.

(iii) To renew the special use permit, an application shall be submitted in accordance with LC 14.050. To be approved, the application shall contain documentation showing:

(A) The telecommunications facility has complied with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC); and

(B) The tower continues to meet any applicable conditions of approval by Lane County, including provision of an adequate current performance bond for removal of the facility and restoration of the site.

(iv) If a transmission tower authorized under this section is not used as a telecommunication facility for a period of one (1) year, the special use permit shall expire and the tower shall be removed.

(5) Collocation. A new or replacement collocation shall comply with the following:

(a) Review process. Collocation requires submittal of a land use application pursuant to LC 14.050. Director approval is required pursuant to LC 14.100, excluding LC 14.100(4) for applications involving a leased area. To be approved, the application must comply with LC 16.264(3) and 16.264(5).

(b) Required submittals. An application for a collocation shall include the following information:

(i) A site plan, drawn to scale, showing:



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(A) Structures. All existing and proposed structures on the site. Include any dwellings or schools within 1200 feet of the tower;

(B) Access. The access road to the site and the public road serving that access road. Submit all necessary easements for access to the site; and

(C) Taxlots. Identify the taxlot containing the telecommunication facility and all taxlots crossed by the access road.

(ii) A description of the tower design and height. The description shall include:

(A) A site-specific study of the tower site identifying the proposed color and surfacing of the tower, collocation, and ancillary facilities;

(B) The engineered design capacity of the tower in terms of the number and type of collocations it is designed to accommodate.

(iii) If the collocation is within 14,000 feet of an airport, provide the FAA registration number for the tower structure, or documentation showing that the tower does not require registration.

(iv) Documentation demonstrating that the Oregon Department of Aviation has reviewed the proposal. When the proposed collocation does not increase the height of the tower, documents from the ODA approving the tower may be substituted.

(v) A signed statement from the property owner indicating awareness of the removal responsibilities of LC 16.264(5)(c)(ii). A lease agreement or similar authorization for the proposed use from the federal government that includes a removal requirement may be substituted for applications involving telecommunication facilities located on federal land.

(vi) Signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the land use application. A lease agreement or similar authorization for the proposed use from the Federal government may be substituted for applications involving telecommunication facilities located on federal land.

(vii) Certification by an Oregon-registered professional engineer that the telecommunication facility, as amended by the proposed collocation, complies with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(viii) Certification by an Oregon-registered professional engineer that the telecommunication facility will support the proposed collocated equipment.

(ix) Documentation showing that the applicant has an FCC license for the geographic region and for the service proposed by the collocation.

(x) A performance bond payable to Lane County and acceptable to the Director to cover the cost of removal of the collocation, ancillary facilities, and restoration of the site to the way it appeared before collocation approval.

(xi) Other information requested in the application form provided by the Director, such as but not limited to, peer review by an independent engineering firm of the proposed telecommunications facility system design.

(c) Performance standards. Collocations shall comply with the following:

(i) All collocations on the structure shall comply with the non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).

(ii) Any collocation and ancillary facilities authorized under this subsection shall be removed after one year of non-use and the approval shall expire.

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(iii) The provider shall maintain an FCC license for the geographic region and for the service provided by the collocation. *(Revised by Ordinance 4-02, Effective 4.10.02; 17-04, 3.18.05)*

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**RURAL RESIDENTIAL ZONE (RR)  
RURAL COMPREHENSIVE PLAN**

**16.290 Residential Zone (RR).**

(1) **Purpose.** The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

(2) **Permitted Uses.** The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates ~~the initial zoning that would restrict or regulate the establishment of a dwelling on~~ of the subject property. The Director shall determine when ~~the property was initially zoned restrictive zoning was enacted~~ based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

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(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured dwelling or park model recreation vehicle on a lot or parcel, in addition to an existing dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured dwelling or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured dwelling or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured dwelling or park model recreation vehicle; or

(iii) A resident of the temporary manufactured dwelling or park model recreation vehicle is a relative of a resident of the existing dwelling, manufactured dwelling or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence and general nature of the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured dwelling or park model recreation vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured dwelling or duplex.

(vi) The temporary manufactured dwelling or park model recreation vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured dwelling or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured dwelling or park model recreation vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured dwelling or park model recreation vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

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(viii) The temporary manufactured dwelling or park model recreation vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured dwelling or park model recreation vehicle, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A home occupation and/or a home office that comply with these conditions:

(i) No more than five persons shall work in the home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the home occupation and/or home office are located.

(ii) The home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of home occupation vehicles.

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(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 5.600, PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the home occupation, other than the vehicles of the owner, shall not be "plainly audible," as defined by LC 5.605, from any boundary of the subject property before 7:0 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the home occupation shall comply with LC 5.700, NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the home occupation and/or home office property shall be limited to persons who qualify as workers of the home occupation and/or home office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the home occupation and/or home office property.

(ix) Use of buildings or structures for the home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the ~~1997 Uniform Building Code~~ **Oregon Structural Specialty Code**.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

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(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 5.600 for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement and shall not be a manufactured dwelling or mobile home;

(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

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(v) The conversion of a manufactured dwelling or mobile home to a guesthouse shall not be allowed.

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, or animal or pet shelters, and not more than one accessory residential structure. An accessory residential structure is a structure that contains area for residential use or occupancy, a toilet or bathroom and that shall comply with these requirements:

(i) The total floor area of the structure shall not contain more than 850 square feet;

(ii) The structure shall not contain a kitchen.

(iii) The structure shall be located on a lot or parcel that has a lawfully existing dwelling, manufactured dwelling or duplex on it and that does not have two or more permanent dwellings or manufactured dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure shall be connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical circuit box as the existing dwelling or manufactured dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(3) Rural Home Business. A rural home business is allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance of the rural home business with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate rural home businesses on their Rural Residential zoned land;

(ii) To assure that the operation of rural home businesses will be compatible with nearby uses;

(iii) To recognize the uniqueness of each rural home business including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a rural home business. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:



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(i) "Operated substantially in" means indoors except accessory rural home business uses that are normally located outdoors such as: advertising signs for the rural home business; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the rural home business; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a rural home business requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the rural home business shall not be allowed.

(iii) The amount of building floor area of rural home businesses shall not exceed:

(aa) 3,000 square feet for any parcel or lot located outside an unincorporated community; or

(bb) 4,000 square feet for any parcel or lot located inside an unincorporated community.

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these rural home business operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for rural home businesses shall be valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the rural home business and written information. The Director shall determine if the rural home business has been operated in compliance with the conditions of approval. Rural home businesses that continue to be operated in compliance with the conditions of approval shall receive a two-year extension of the approval. Rural home businesses for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with LC 14.070(1). The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.500.

(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16; and review and approval of the land use application pursuant to LC 14.100 with the options for the

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Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) ~~Mere-feeding, breeding and management of livestock, poultry, or fur bearing animals, stables, riding academies and commercial riding than allowed in excess of the standards~~ in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

(f) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(g) An onsite sewage disposal system for a **non-residential use on a nearby property in a rural zone.**

(h) A replacement of a lawfully existing (per LC Chapter 16) dwelling, manufactured dwelling or duplex that relies on evidence of its lawfully existing nature other than required by LC 16.290(2)(b) above, or a replacement dwelling, manufactured dwelling or duplex that shall comply with the following requirements:

(i) The dwelling, manufactured dwelling or duplex was removed or destroyed within 12 months of the date that the Director received the special use permit application for its replacement;

(ii) Prior to the removal of the dwelling, manufactured dwelling or duplex, it was a lawfully existing dwelling, manufactured dwelling or duplex; and

(iii) The replacement dwelling, manufactured dwelling or duplex shall be located on the same foundation footprint as the removed or destroyed dwelling, manufactured dwelling or duplex or shall be located in compliance with LC 16.290(7) below.

(i) Animal hospitals. An "animal hospital" is a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to hospital use. The square foot floor area of an animal hospital shall not exceed 4,000 square feet for any parcel located in an unincorporated community or 3,000 square feet for any parcel located outside of an unincorporated community.

(j) Commercial breeding kennel or commercial kennel. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs. A

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"commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. These terms are not intended to include an animal hospital or a noncommercial kennel.

(k) Campgrounds and camping vehicle parks. A "campground" is an area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development. A "camping vehicle park" is a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating. Campgrounds and camping vehicle parks:

(i) Shall be located at least:

(aa) 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, or

(bb) 3 miles from any other urban growth boundary unless they are contiguous to or located on lands with an accessible park or other outdoor amenity; and

(ii) Shall not allow overnight temporary use in the same campground by a camper or camper's vehicle exceeding a total of 30 days during any consecutive 6 month period; and

(iii) Shall not exceed the carrying capacity of the soil or existing water supply resources or result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

(m) Churches. A "church" is a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.

(n) Golf courses.

(o) Lodges and grange halls that:

(i) are owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural area; or

(ii) do not contain more than 4,000 square feet if located in an unincorporated community or not more than 3,000 square feet if located outside an unincorporated community.

(p) Parks, playgrounds, community centers.

(q) Public and private schools. A "school" is a place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of education is provided.

(r) Storage facilities for boats and recreational vehicles.

(s) Uses and development similar to uses and development allowed by LC16.290(2) or (4) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.290(2) through (4) above. Such a finding shall be made by the Director and shall comply with the following criteria:

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(i) The proposed use and development shall be consistent with the purpose in LC 16.290(1).

(ii) When compared with the uses and development permitted by LC 16.290(2) or (4) above, the proposed use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use;

and

(cc) Parking demand, customer types and traffic generation;

and

(dd) Intensity of land use of the site.

(iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(u) **Stables, riding academies or commercial riding.**

(5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

(a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

(c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and

(d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

(a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or

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parcels for residential purposes on land zoned RR-1 shall be two acres as long as required by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.

(b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.

(c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:

(i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;

(ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

(iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;

(iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;

(v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and

(vi) "Habitable dwelling" means a dwelling, that:  
(aa) Has intact exterior walls and roof structure;  
(bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;  
(cc) Has interior wiring for interior lights; and  
(dd) Has a heating system.

(7) Property Development Standards. All uses or development permitted by LC 16.290(2) through (4) above, except as may be provided therein, shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;

(ii) At least 10 feet from all other property lines; and

(ii) Notwithstanding LC 16.290(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 10 foot setback otherwise required by LC 16.290(7)(a)(ii) above provided it complies with LC 16.290(7)(d) below.

(b) The setback for property lines other than front-yard shall be five feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28 -- Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and

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Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(f) Height. None.

(g) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement

(iii) Signs shall be limited to 200 square feet in area.

(h) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04)*

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**RURAL INDUSTRIAL ZONE (RI, RCP)  
RURAL COMPEHENSIVE PLAN**

**16.292 Rural Industrial Zone (RI, RCP).**

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an administrative application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with these standards; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings

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and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

(e) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel where the single family living quarters for the caretaker will be located; and

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.

(f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (p) below, are allowed subject to: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (g) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, "in proximity to the rural resource" shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(c) Forest or farm equipment storage yards, sales, rental or repair.



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(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, "outdoor advertising" means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

(g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(h) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.292(1) above.

(ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site.

(bb) Bulk, size, and operating characteristics of the proposed use.

(cc) Parking demand, customer types and traffic generation.

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

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(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(vi) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

(i) The single-family dwelling, manufactured or mobile home shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single-family dwelling, manufactured or mobile home for the caretaker will be located; and

(iii) The single-family dwelling, manufactured or mobile home for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the industrial use on it.

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

(i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);

(ii) If located within ~~the McKenzie, Siuslaw or Long Tom Watersheds~~, rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

(iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;

(iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion;

(v) Not create a hazardous natural condition such as erosion, landslide or flooding; and

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.

(o) Any level of industrial uses, sited on an abandoned or diminished mill site that has been rezoned to Rural Industrial Zone (RI, RCP) pursuant to the plan amendment process of LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o) and ~~(p)~~ below, "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

(i) Is located on a parcel or lot outside of urban growth boundaries;

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(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

~~(p) Any level of industrial uses on a parcel or lot that was zoned for industrial uses on June 10, 2003, subject to compliance with the territorial and notice requirements of LC 16.292(3)(p)(i) through (v), below. Industrial uses pursuant to LC 16.292(3)(p) can occur outside on the parcel or lot or in a building or combination of buildings of any size or type:~~

~~(i) The parcel or lot is located outside the Willamette Valley and west of the summit of the Coast Range;~~

~~(ii) The parcel or lot is located more than three miles outside the urban growth boundary of every city with a population of 15,000 individuals or more;~~

~~(iii) The parcel or lot is located outside the urban growth boundary of every city with a population of fewer than 15,000 individuals; and~~

~~(iv) When the Director considers action under LC 16.292(3)(p) on a parcel or lot within 10 miles of the urban growth boundary of any city, the Director shall give written notice to the city at least 21 days prior to issuing a decision; and~~

~~(v) If the city objects to the authorization of the proposed industrial development, the Director shall negotiate with the city to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.~~

~~(vi) LC 16.292(3)(p) is repealed on January 2, 2006. Any submitted application pursuant to LC 16.292(3)(p) received by the Director prior to January 2, 2006, that has been determined to be complete when first submitted or within the time allowed for submission of requested additional material pursuant to LC 14.050, shall be processed by the Director in compliance with LC 14.050(5) and LC 14.100. Processing of timely submitted applications beyond the repeal date of January 2, 2006, shall not extend beyond January 2, 2007.~~

(qp) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(rq) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any

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goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(sr) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k) and (n) through ~~(p)~~ above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

At right margin indicates changes  
Bold indicates material being added  
Strikethrough indicates material being deleted

**LEGISLATIVE  
FORMAT**

16.292

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16.292

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04)*



PUBLIC WORKS DEPARTMENT  
LAND MANAGEMENT DIVISION  
125 EAST 8TH AVENUE  
EUGENE, OREGON 97401

SHUTTLE TO  
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