



Oregon
Theodore R. Kubongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/12/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 007-10

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: Friday, November 26, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

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

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

NOV 05 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **Lane County**

Local file number: **PA 10-5610**

Date of Adoption: **October 26, 2010**

Date Mailed: **November 4, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *8/19/2010 (overnight)*

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".

- Proposed "Housekeeping" amendments to Lane County Rural Comprehensive Plan, and Lane County Land Use and Development Code Chapters 13 and 16 that correct scrivener's errors, update references and citations, and clarify confusing or ambiguous language.
- Proposed amendment to Lane Manual Chapter 5 that formalizes existing staff practice of examining the property file when a land use or permit application is received, and referring any unresolved compliance actions to the compliance officer for further action.

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

- Amendment to Lane Code 16.211(5) regarding "manufactured dwellings" was altered to retain reference to "manufactured dwellings" and to insert the word "permanent" in front of the term "manufactured dwellings" in Lane Code 16.211(5)(c)(i)(bb), (ii)(bb) and (iii)(bb).
- Amendment to LC 16.290(1)(d) was withdrawn.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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. 007-10 (18483) [16396]

DLCD file No. Lane Co PAPA 007-10

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

Local Contact: **Sarah Wilkinson**

Phone: (541) 682-45054 Extension: N/A

Address: 125 E. 8th Ave.

Fax Number: 541-682-3947

City: Eugene

Zip: 97401-2926

E-mail Address: sarah.wilkinson@co.lane.or.us

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 OF LANE COUNTY, OREGON

ORDER NO. 10- 10-5-2

IN THE MATTER OF AMENDING CHAPTER 5 OF
LANE MANUAL TO FORMALIZE STAFF
COORDINATION BETWEEN COMPLIANCE AND
PERMITTING (LM 5.013).

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

Lane Manual Chapter 5 is hereby amended by removing and substituting the following sections:

REMOVE THESE SECTIONS

none

INSERT THESE SECTIONS

5.013
as located on pages 5
(a total of 1 page)

Said pages are attached hereto and incorporated herein by reference. The purpose of this addition is to add a new provision that formalizes coordination between compliance and permitting by describing the existing staff practice of examining the property file when a land use or permit application is received, and referring any unresolved compliance actions to the compliance officer for further action.

Adopted this 26th day of October 2010.



Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 9-2-2010 Lane County



OFFICE OF LEGAL COUNSEL

5.013 Coordination of Compliance and Permitting.

Upon receipt of a land-use application or other permit application, Land Management Division staff shall review the document and determine if there are any compliance actions pending as to the subject property. If pending compliance actions are found, Land Management Division staff shall refer the application to Compliance Program staff.

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
5.013

**LEGISLATIVE
FORMAT**

Lane Manual

5.013

5.013 Coordination of Compliance and Permitting.

Upon receipt of a land-use application or other permit application, Land Management Division staff shall review the document and determine if there are any compliance actions pending as to the subject property. If pending compliance actions are found, Land Management Division staff shall refer the application to Compliance Program staff.

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. PA 1275

IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN (RCP) BY AMENDING TWO COORDINATED POPULATION FORECASTS FOR THE CITY OF COBURG (PA 10-5610).

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 883, has adopted the Lane County General Plan Policies document which is a component of the Lane County Rural Comprehensive Plan; and

WHEREAS, the Board of County Commissioners amended the Lane County Rural Comprehensive Plan to adopt countywide coordinated population forecasts for Lane County and each urban area within the county, through enactment of Ordinance No. PA 1255, to provide for long range planning and consideration for public infrastructure and community needs for the future consistent with state law; and

WHEREAS, Lane Code 12.050 and 16.400 set forth procedures for amendments of the Lane County Rural Comprehensive Plan; and

WHEREAS, the City of Coburg proposed revision to its coordinated population forecasts for 2020 and 2035 that would more closely follow the study prepared for the previous Board action on Ordinance No. PA 1255; and

WHEREAS, evidence exists in the record indicating that the proposal meets the requirements of Lane Code Chapters 12 and 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a joint public hearing with the Lane County Planning Commission, received its recommendation and is now ready to take action.

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

The Lane County Rural Comprehensive Plan, General Plan Policies, Introduction, Section D, adopted by Ordinance No. PA 883 and amended thereafter is further amended by revising the coordinated population forecast for the City of Coburg as set forth in Exhibit "A" attached and incorporated here as if fully set forth.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts findings in support of this action as set forth in Exhibit "B" attached and incorporated here.

Prior coordinated population forecasts adopted by the Board of County Commissioners before enacting this Ordinance shall remain in full force and effect following the

effective date of this Ordinance until those plans are further updated or amended by the Board.

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

ENACTED this 26TH day of OCTOBER, 2010.


Bill Fleenor, Chair
Lane County Board of County Commissioners


Melissa Zimmer, Secretary
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 9-15-2010 Lane County

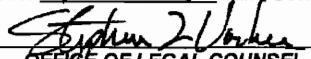

OFFICE OF LEGAL COUNSEL

Table 1.1: Coordinated Population Forecasts for Lane County and its Urban Areas

		Forecast Period:						
		2010	2015	2020	2025	2029	2030	2035
Lane County Small Cities	Coburg*	1,103	1,387	1,934	2,628	3,216	3,363	4,354
	Cottage Grove	9,957	10,616	11,424	12,261	12,737	12,856	13,542
	Creswell	5,647	6,802	8,263	9,758	10,799	11,060	12,172
	Dunes City	1,457	1,542	1,640	1,726	1,767	1,777	1,823
	Florence	11,212	12,355	13,747	15,035	16,065	16,323	17,434
	Junction City	6,567	9,343	10,799	12,067	12,922	13,136	13,887
	Lowell	1,043	1,228	1,459	1,714	1,960	2,022	2,345
	Oakridge	3,859	4,290	4,672	4,866	5,022	5,061	5,280
	Veneta	4,976	5,902	7,251	8,727	9,623	9,847	10,505
	Westfir	359	370	384	412	423	426	448
	Metro Area	Eugene (city only)	156,844	166,609	176,124	185,422	192,536	194,314
Springfield (city only)		58,891	62,276	66,577	70,691	73,989	74,814	78,413
Metro Urban Area West of Interstate-5**		20,931	20,380	19,209	18,521	17,680	17,469	16,494
Metro Urban Area East of Interstate-5**		8,140	7,926	7,470	7,202	6,875	6,794	6,415
Totals	Eugene/Springfield Total UGB Area	244,806	257,191	269,380	281,836	291,080	293,391	303,887
	Unincorporated Area Outside all UGBs	58,531	55,900	54,344	52,861	52,381	52,261	51,634
	Lane County Total	349,516	366,924	385,297	403,892	417,996	421,522	437,311

* City of Coburg forecasts based upon analysis conducted by the firm Johnson Reid, testimony provided by City of Coburg representatives to the Lane County Board of Commissioners on June 3, 2009, and Johnson Reid memorandum dated June 16, 2009.

** Forecast based upon a 72% allocation of the total Metro UTA West of I-5 and a 28% allocation of the total Metro UTA East of I-5.

Any updates or amendments to the forecasts included in Table 1.1 may only be initiated by Lane County. Any individual or interested cities, however, may make a request for the Board to initiate such an update or amendment. Requests must set forth compelling reasons as to why the update or amendment should be considered at the requested time, rather than in conjunction with a future periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request. Amendments to these forecasts initiated by the Board shall follow general procedures outlines in Lane Code 16.400(6).

Communities

Unincorporated communities are treated differently. They are identified as "community" on the Plan Diagrams, but are not given official Urban Growth Boundaries. Instead, the probable limits of growth over the planning period are reflected in the area within the "community" designation. Since lands within these areas are under County jurisdictions, no Joint Agreements are required, but development there must be justified by "committed lands" exceptions.

Areas within rural Lane County qualifying as Exception areas on the basis of pre-committed uses are not necessarily "communities" as such, but do have some of the

Findings of Fact In Support of Ordinance No. PA 1275

The Lane County Board of Commissioners Initiated Updates To Lane Code and Lane County Rural Comprehensive Plan For Consistency and Clarity.

Finding: The proposed amendments to Lane Code and Lane County Rural Comprehensive Plan were directed by the Board to address changes in state laws and make appropriate corrections or clarifications.

Criteria

LC 12.005 Purpose.

(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

Finding

The proposed amendments 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 plan and implementing regulations into compliance with state law, will promote consistency at the local level with the applicable state laws and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable state law.

LC 12.050 Method of Adoption and Amendment

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

Finding

The proposed amendments to the Rural Comprehensive Plan and Lane Code will be adopted by ordinance when enacted by the Board.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

- (a) an error in the plan; or***
- (b) changed circumstances affecting or pertaining to the plan; or***
- (c) a change in public policy; or***
- (d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.***

Finding

The proposed amendments directly implement changes to state law, and as such meet this provision under (b), (c), and (d) above upon adoption by the Board. They also provide additional clarification and correct errors in the current plan or implementation regulations where necessary.

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

(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.

Finding

The proposed amendments address changes in state law and clarify or correct previous erroneous references or text to help implement the Lane County Rural Comprehensive Plan and Lane Code Chapters 13 and 16. Making the revisions will provide clarity and consistency with state and local law.

LC 16.400 Rural Comprehensive Plan Amendments.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

Finding

The proposed amendments shall be adopted by ordinance when enacted by the Board.

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

Finding

The proposed amendments are necessary to correct identified errors in the current plan. Adoption of these amendments will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable state law.

(bb) For Major and Minor Amendments as defined in LC16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

Finding

The proposed amendments are necessary to correct identified errors in the current plan, clarify and correct implementing regulations, and conform provisions to state law and as such meet this provision under (i-i), (ii-ii) and (v-v) above upon adoption by the Board.

Table 1.1: Coordinated Population Forecasts for Lane County and its Urban Areas

Forecast Period:		2010	2015	2020	2025	2029	2030	2035
Lane County Small Cities	Coburg*	1,103	1,387	4,394 <u>1,934</u>	2,628	3,216	3,363	4,254 <u>4,354</u>
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	Lane County Total	349,516	366,924	385,297	403,892	417,996	421,522	437,207 <u>437,311</u>
<p>* City of Coburg forecasts based upon analysis conducted by the firm Johnson and Reed Reid, testimony provided by City of Coburg representatives to the Lane County Board of Commissioners on June 3, 2009 and Johnson Reid memorandum dated June 16, 2009.</p> <p>** Forecast based upon a 72% allocation of the total Metro UTA West of I-5 and a 28% allocation of the total Metro UTA East of I-5.</p>								

Any updates or amendments to the forecasts included in Table 1.1 may only be initiated by Lane County. Any individual or interested cities, however, may make a request for the Board to initiate such an update or amendment. Requests must set forth compelling reasons as to why the update or amendment should be considered at the requested time, rather than in conjunction with a future periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request. Amendments to these forecasts initiated by the Board shall follow general procedures outlined in Lane Code 16.400(6).

Communities

Unincorporated communities are treated differently. They are identified as "community" on the Plan Diagrams, but are not given official Urban Growth Boundaries. Instead, the probable limits of growth over the planning period are reflected in the area within the "community" designation. Since lands within these areas are under County jurisdictions, no Joint Agreements are required, but development there must be justified by "committed lands" exceptions.

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 7-10

IN THE MATTER OF AMENDING CHAPTERS 13 AND 16 OF THE LANE CODE TO REVISE PROVISIONS TO BE CONSISTENT WITH OREGON ADMINISTRATIVE RULES AND TO MAKE OTHER VARIOUS CORRECTION AND CLARIFICATION REVISIONS (LC 13.050, 16.005, 16.211, 16.212, 16.237, 16.238, 16.239, 16.240, 16.241, 16.243, 16.294, 16.296)

The Board of County Commissioners of Lane County ordains as follows

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

REMOVE THESE SECTIONS

- 13.050
located on pages 13-5 through 13-10
(a total of 6 pages)
- 16.005
located on pages 16-2 through 16-4
(a total of 3 pages)
- 16.211
located on pages 16-101 through 16-124
(a total of 24 pages)
- 16.212
located on pages 16-151 through 16-185
(a total of 35 pages)
- 16.237
located on pages 16-383 through 16-389
(a total of 7 pages)
- 16.238
located on pages 16-401 through 16-407
(a total of 7 pages)
- 16.239
located on pages 16-407 through 16-412
(a total of 7 pages)
- 16.240
located on pages 16-412 through 16-418
(a total of 7 pages)

INSERT THESE SECTIONS

- 13.050
located on pages 13-5 through 13-10
(a total of 6 pages)
- 16.005
located on pages 16-2 through 16-4
(a total of 3 pages)
- 16.211
located on pages 16-101 through 16-124
(a total of 24 pages)
- 16.212
located on pages 16-151 through 16-185
(a total of 35 pages)
- 16.237
located on pages 16-383 through 16-389
(a total of 7 pages)
- 16.238
located on pages 16-401 through 16-406
(a total of 6 pages)
- 16.239
located on pages 16-406 through 16-412
(a total of 7 pages)
- 16.240
located on pages 16-412 through 16-418
(a total of 7 pages)

16.241
located on pages 16-436 through 16-441
(a total of 6 pages)

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

16.294
located on pages 16-657 through 16-661
(a total of 5 pages)

16.296
located on pages 16-666 through 16-673
(a total of 8 pages)

16.241
located on pages 16-436 through 16-440
(a total of 5 pages)

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

16.294
located on pages 16-657 through 16-661
(a total of 5 pages)

16.296
located on pages 16-666 through 16-672
(a total of 7 pages)


Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to reflect a Statewide Planning Goal 4 administrative rule change, make corrections or clarifications to certain provisions and perform housekeeping functions in the described sections. LC 13.050, 16.005, 16.211, 16.212, 16.237, 16.238, 16.239, 16.240, 16.241, 16.243, 16.294, 16.296.

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 26 day of Oct. 2010.



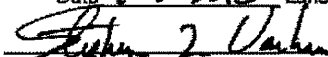
Chair, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 9-3-2010 Lane County



OFFICE OF LEGAL COUNSEL

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

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

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

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

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

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

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

(3) Relation to Adjoining Road System. A subdivision, replat or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions, replats or partitions, or for their proper projection when adjoining property is not subdivided, replatted or partitioned, and such streets shall meet the minimum requirements for roads set forth in LC Chapter 15. Where the Approving Authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made as provided in LC 15.900.

(4) Redevelopment Plan.

(a) In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that parcels, lots or blocks shall be of such size and shape, be so designed and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel or lot into smaller sizes which shall have the minimum lot frontage on a street.

(b) Any person dividing tracts of land into large parcels or lots which at some future time could be further divided and still meet the minimum area requirement of the zone in which the land is located, shall provide suitable road access to each created parcel or lot so that the future development of each parcel or lot shall provide access for redevelopment parcels or lots.

(c) The County may require that special development recommendations and/or restrictions on the location of buildings be made a matter of public record when it is deemed necessary to ensure that redivision may take place in conformity with the purpose of this chapter. If the restrictions are considered permanent, they may be recorded by separate document.

(d) Redevelopment plans may be required to show compliance to LC 13.050(4)(a), (b) & (c) above prior to preliminary approval.

(5) Access.

(a) Lots or parcels shall have verifiable access by way of a road, either County, local access - public or an easement. Verifiable access shall meet the following criteria:

(i) Each lot or parcel abuts on the road for a distance of at least 30 feet.

(ii) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by: 1) an express grant or reservation of an easement in a document recorded with the County Recorder, 2) a decree or judgment issued by a court of competent jurisdiction, 3) an order of the Board establishing a statutory way of necessity or gateway road, or 4) an express easement set forth in an approved and recorded subdivision or partition.

(iii) The road provides actual physical access to the lots or parcels.

(b) County Roads, Local Access-Public Roads, and Private Access Easements used as access to lots or parcels shall be designed and developed according to the requirements of LC Chapter 15.

(c) For the portion of a panhandle tract used as access to the main portion of the tract, the County may require such road improvements and design as are necessary to provide safe and adequate access to the main portion of the tract.

(6) Control Strip. The County may require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons.

(a) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

(b) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.

(c) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer. The proportional road construction costs must be computed by a licensed engineer and approved by the Department of Public Works. The agreement must be recorded and will not be valid after a period of 10 years.

(d) To prevent access to land unsuitable for development.

(e) To prevent or limit access to roads classified as arterials and collectors.

(7) Utility and Watercourse Easements.

(a) Utility Easements. The dedication of easements for the placement of overhead or underground utilities, including, but not limited to, electric power, communication facilities, sewer lines, water lines and gas lines shall be required where necessary. Such easements shall be clearly labeled for their intended purpose on all plats and may be located along or centered on parcel or lot lines or elsewhere as determined necessary by the County to provide needed facilities for the present or future development of the area.

(b) Watercourses. When a partition or subdivision is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a storm water or drainage easement conforming substantially with the lines of the watercourse, and of such design and development as may be deemed necessary to accommodate reasonable anticipated future development within the drainage area.

(8) Pedestrian and Bicycle Ways. When necessary for public convenience, safety, or as may be designated on an adopted master bike plan, the County may require

that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of LC Chapter 15, Roads. Pedestrian and bicycle ways shall be not less than six feet in width and be paved with asphaltic concrete or portland cement concrete.

(9) Dangerous Areas. Any area determined by the Director to be dangerous for road or building development by reasons of geological conditions, unstable sub-surface conditions, groundwater or seepage conditions, floodplain, inundation or erosion or any other dangerous condition shall not be divided or used for development except under special consideration and restriction. Special consideration and restriction shall consist of a detailed report by a professional engineer stating the nature and extent of the hazard and recommending means of protecting life and property from the potential hazard and/or the County shall impose limitations designed to minimize the known danger on development commensurate with the degree of hazard. Areas of erosion or potential erosion shall be protected from loss of soil and vegetative cover by appropriate means which are compatible with the environmental character, such as restricting grading or building or constructing erosion control devices. Areas of flood plain, water areas and wetlands shall be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow and natural functions. Structures will be required to maintain a flood elevation consistent with LC 10.271 (Flood Hazard Area) and LC 16.244. Areas of unstable surface or subsurface conditions shall be protected from movement by appropriate means which are compatible with environmental character, such as restricting grading or building or constructing suitable structures. Areas which are located within a designated floodway, unless a permit pursuant to LC 10.271 and LC 16.244 has been granted, shall be restricted from any building development or the installation of any permanent structure. The County may require that special development recommendations and/or restrictions as to location of building or other development be made a matter of public record when it is deemed necessary to ensure proper disposition of the dangerous area. If the restrictions are considered permanent, they shall be shown on the plat, and if temporary in nature, shall be recorded by separate document by the partitioner or subdivider prior to the recording of the plat.

(10) Grading, Excavation and Clearing. Grading and clearing of any portion of a division by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose. Grading, clearing and excavation shall comply with the applicable property development standards and site development requirements of LC Chapters 10 and 16.

(11) Land for Public Purpose. When a public agency has demonstrated through a capital improvement program that it has definite plans to acquire a specified portion of a proposed division for a needed public use, and there is reasonable assurance demonstrating that steps will be taken within 90 days of preliminary approval to acquire the land, then the County may require that those portions of the division be reserved for public acquisition for a period not exceeding 90 days from the date of preliminary approval.

(12) Sewerage Facilities. Lots and parcels for which the applicable zoning districts permit residences or for which residences are contemplated, shall be served by either an approved public or community sewerage facility or be suitable for an approved

individual sewage disposal facility. Methods of sewage disposal shall be in accordance with and subject to the applicable provisions of ORS; appropriate rules, regulations and policies promulgated under authority of ORS, and all appropriate County ordinances and policies. The establishment of rural sewerage facilities must be consistent with RCP Goal 2 Policy #24 and RCP Goal 11 policies.

(a) Public or Community Sewerage Facilities.

(i) When lots or parcels are located within a reasonable distance of an existing satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be sewered by said system, the lots or parcels shall connect to the system. Should the existing facilities be unable to service the lots or parcels, individual sewage disposal systems may be considered as an interim measure if soil and other conditions are suitable for their use. If conditions pertaining to the ability of the public or community sewage facility allow connection at a later date, connection will be required under the following circumstances: a public health hazard exists as defined by OAR Chapter 340-71-130(3), if the reason for not connecting to the public or community system were because of insufficient capacity of the public or community sewerage facility and these conditions cease to exist or if the reason for not connecting to the public or community system is based on engineering considerations such as pumping requirements and gravity sewers become available.

(ii) When a new public or community sewerage system is proposed for the division, there shall be submitted for approval a master plan for the sewage collection and disposal system to Lane County and the State Department of Environmental Quality. The master plan shall include at least the following: a conceptual plan for sewage collection, treatment and disposal facilities, including preliminary design of sewer lines, treatment units and final disposal, a conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS, Chapters 450 or 451 or a preliminary economic feasibility report.

(iii) If the lots or parcels are located within an area with an adopted detailed master sewage plan showing the location and depth of community sewers and proposed construction schedule which will eventually serve the lots or parcels, then the applicant shall provide detailed plans, schedule, a cost estimate prepared by a registered professional engineer and a bond to cover these estimated costs. The subject Plan and cost estimate shall have been approved by the Oregon Department of Environmental Quality and Lane County. Individual sewage facilities will be allowed on an interim basis until the system is connected to the community system as approved by the above plan and schedule.

(b) Individual Sewage Facilities. When lots or parcels are to be served by individual sewage disposal systems, there shall be furnished reasonable proof that each proposed parcel or lot can accommodate an individual sewage disposal system and at least one acceptable replacement area which meets the criteria established by OAR Chapters 340-71-005 to -45. If the individual sewage disposal system and replacement area are to be located partially or wholly off of the lot or parcel for which the system and replacement area are designed to serve, then a variance must first be applied for and may be approved if in compliance with the variance section of this chapter.

(13) Water Supply. Lots and parcels shall be served by an approved public, community or individual water system. No construction or development work on proposed lots or parcels shall be started until information pertaining to water availability and quality is submitted to and approved by the Department. Water system shall be in accordance with and subject to applicable provisions of ORS, as well as all appropriate rules, regulations and policies promulgated under authority of these statutes, Lane Code

and Manual. The establishment of rural water systems shall be consistent with RCP Goal 2 policy #24 and RCP Goal 11 policies.

(a) **Public or Community Water System.** The County may require that a new community or public water system be developed to serve lots or parcels when no existing public or community water system is available or suitable for use by the lots or parcels, and individual water systems are not feasible due to the density of the lots or parcels and/or the possibility of problems concerning the long-term availability of adequate quantities of suitable water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below shall be required.

(b) **Individual Water Systems.** When lots or parcels are to be served by individual water systems, sufficient evidence shall be submitted to show that each parcel or lot will have available at time of development an adequate supply of potable water which will meet minimum County standards for drinking water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below may be required.

(c) **Aquifer and Quality Tests or Geological Evaluation.** Aquifer and quality tests or geological evaluation may be required by Lane County for any lot or parcel. These requirements may include, but need not be limited to, evaluation of existing well logs and preparation of a geological report on the area, an evaluation of the site by a professional geologist or engineering geologist or full scale aquifer tests as required. In determining the detail of analysis required, the following apply:

(i) Areas designated by Board order as having problems in the quantity or quality of available water as adopted, documented in Lane Manual and filed in the office of the Department shall meet the following requirements for all parcels less than 20 acres in size. The applicant must affirmatively demonstrate, in a manner acceptable to Lane County, that the proposed subdivision/partition is capable of sustaining the development anticipated with sufficient potable water. This demonstration must include, but need not be limited to, aquifer tests. More specifically, the aquifer test shall show coefficient of transmissivity, permeability, storage and the specific yield. The bacteriology/chemical tests shall show compliance with standards set by the Oregon State Health Division and Lane County. The test procedure shall utilize standard acceptable practices for aquifer tests using pumped and observation wells and records of static water level, date, clock, elapsed time (in min.), depth of water, drawdown and recovery. Analysis using the non-equilibrium method (or other methods where appropriate) must be performed by a licensed geologist or engineer. A copy of all field notes and test results shall be submitted with the report, together with summary statements which indicate whether the proposed use of the aquifer could adversely impact the neighboring wells or properties or deplete the aquifer and the general impact of the proposed use.

(d) For all areas not designated as problem areas by the procedures documented in LC 13.050(13)(a) above, a pump test report or a well log report shall be supplied, unless determined by Lane County to be not necessary. Pump test and well log reports shall be prepared according to the following criteria:

(i) **Pump Test.** The test shall be a minimum five-hour pumping duration and record the following information: static water level, pumping level, drawdown, recovery, residual drawdown, well yield (pumping rate) and specific capacity. Measurements shall be made before pumping begins, during the pumping phase and during the recovery phase as necessary.

(ii) Well log reports shall include tax map showing the subject property and surrounding area, all well logs of record from adjacent and surrounding properties and the location of the wells on the tax lot map.

(14) Additional Cluster Subdivision Requirements.

(a) The land in a cluster subdivision not platted as a building lot shall be secured and maintained as private open space and recreation area by covenant or association prepared by the applicant and approved by Director or County Counsel. Said approved covenant shall be recorded with and referenced on the cluster subdivision plat.

(b) The largest lot in a cluster subdivision, if platted as a mobile home or dwelling lot, shall be restricted from further development, unless future zoning and/or changes in the comprehensive plan increase the density allowed for the overall cluster subdivision. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat.

(c) The type and number of living units intended for each cluster subdivision lot shall be specified in the covenants, and each lot shall be restricted from an increase in the number of living units, unless the future zoning and/or changes in the comprehensive plan increase the density allowed for the overall subdivision and unless new cluster subdivision plans are submitted and approved. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat. *(Revised by Ordinance No. 16-83; Effective 9-14-83, 10-84, 9-8-84; 1-90, 2.7.90; 3-90, 3.14.90; 1-91, 6.14.91; 10-04, 6.4.04)*

16.005 Use of a Development.

(1) A Development May Be Used Only For a Lawful Use. A lawful use is a use that is not prohibited by law or which is nonconforming pursuant to LC 16.251 below of this chapter.

(2) Grading, Excavation and Clearing. Grading and clearing by mechanical equipment for either road and/or development purposes may be restricted or regulated by the Approval Authority either at the time of approval of a development permit or of an application if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose.

(3) Conditions. The following conditions may be imposed at the time of approval of a development for which a permit or application is required and for which a finding has been made as required in LC 16.005(2) above in order to ensure site and area stability:

- (a) Maintain vegetation and eliminate widespread destruction of vegetation.
- (b) Carefully design new roads and buildings with respect to:
 - (i) Placement of roads and structures on the surface topography.
 - (ii) Surface drainage on and around the site.
 - (iii) Drainage from buildings and road surfaces.
 - (iv) Placement of septic tank disposal fields.
- (c) Careful construction of roads and buildings:
 - (i) Avoid cutting toeslopes of slump blocks.
 - (ii) Careful grading around the site, especially avoiding oversteepened cut banks.
 - (iii) Revegetating disturbed areas as soon as possible.
- (d) Certification by a geologist or engineer that the above conditions have been complied with and/or that a hazard does not exist.

(4) Sensitive Bird Habitat Protection Standards and Criteria. All uses or activities permitted or conditionally permitted within the zones identified in LC 16.005(4)(a) below shall be subject to the additional procedures and requirements in LC 16.005(4)(b)-(g) below, provided such uses are located on property identified as a sensitive bird habitat area via Rural Comprehensive Plan Flora and Fauna Policy 18 and LM 11.400.

(a) Applicable Zones.

Zone Classification	Abbreviation	Section No.
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML-RCP	16.214
Park and Recreation	PR-RCP	16.215
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products		
Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223

Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Clear Lake Watershed Protection	CLWP-RCP	16.258

(b) Development Plan Submittal. The person proposing the development shall submit plans to the Department which sufficiently identify the location, nature and scope of the proposed use or activity.

(c) Referral. Upon receipt of the plans identified in LC 16.005(4)(b) above, the Department shall refer a copy of the plans to the Oregon Department of Fish and Wildlife (ODFW).

(d) ODFW Review. Upon receipt of the plans identified in LC 16.005(4)(b) above, the ODFW shall review the proposed use of activity and make a determination of whether or not the use or activity would affect a sensitive bird habitat. In making this review and determination, the ODFW shall consult with the affected landowner(s) and appropriate state agencies, and shall address the standards in LC 16.005(4)(d)(i) and (ii) below. The basis for the determination shall be stated in writing, completed within seven working days of receipt, and then submitted to the Department (Lane County).

(i) A sensitive bird habitat will be considered affected by a use or activity if the use or activity is located within 660 feet of an eagle or osprey site or within 300 feet of a heron rookery or pigeon mineral spring.

(ii) A sensitive bird habitat may also be considered affected by a use or activity if the use or activity is located a greater distance than specified in LC 16.005(4)(d)(i) above, considering unique conditions of topography or the individual habits of the bird(s).

(e) No Affects Determined. If the ODFW determines that the sensitive habitat area will not be affected, then the ODFW will give the Department written notice of its determination, and Lane County may proceed with authorization of the use or activity, or with the processing of any other required applications.

(f) Affects Determined and Protection Plan. If the ODFW determines that the sensitive habitat area will be affected, the ODFW shall work with the affected landowner(s) in the development of a site specific habitat protection plan. The plan shall consider the proposed use or activity and its interrelationship to and affects upon nesting trees, perch trees, critical nesting period roosting sites and/or buffers for wind, vision and noise. The plan must contain a statement of reasons, supported by facts, explaining why the sensitive bird habitat would not be adversely affected by the proposed use or activity. The plan shall then be submitted to the Department.

(g) Director Approval. The proposed uses or activities identified in the habitat protection plan shall be reviewed by the Director pursuant to LC 14.100 and shall be allowed if in conformance with the following approval criteria:

(i) The proposed use or activity would not adversely impact a sensitive wildlife habitat.

(ii) Conditions placed upon the approval of the habitat protection plan would avoid or eliminate any adverse impacts upon a sensitive wildlife habitat. Conditions may include setbacks, limitations upon the time period for the operation of the use or activity and/or prohibition of conflicting uses.

(h) LC 16.005(4)(a)-(g) do not apply to the protection of sensitive bird habitat from forest practices as regulated by the Forest Practices Act and as regulated by

the COOPERATIVE AGREEMENT BETWEEN OREGON STATE BOARD OF FORESTRY AND OREGON STATE FISH AND WILDLIFE COMMISSION as adopted by Lane County in Rural Comprehensive Plan Goal 5 Flora and Fauna Policy 17.

(5) Scenic Byway/Tour Route Off-Premise Sign Requirements. New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 16.005(5), below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; facilities not located on the premises on which the sign is located; or activities not conducted on the premises on which the sign is located.

(a) The South Lane Tour Route as specifically identified in Ordinance No. 10-99. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25 87, 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 10-99, 1.15.00)*

**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 and contiguous means adjacent or touching. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel on which the dwelling or manufactured dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(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)(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 more than 500 feet. Turnarounds shall comply with these design and construction standards:

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

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

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

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

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

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

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

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

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

(9) Other Development Standards.

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

(b) Signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) 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; 6-10, 9.18.10)*

**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 hydrocarbons that were originally in a gaseous phase in the reservoir; and

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

(y) Operations conducted for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre, crushing and stockpiling of aggregate and other mineral and other subsurface resources that comply with these requirements:

(i) For the purposes of LC 16.212(4)(y) above, "mining" includes all or part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or similar materials conducted by a land owner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines;

(ii) The site for the mining of aggregate must be included on an inventory in the acknowledged Lane County Rural Comprehensive Plan; and

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

(z) Processing (as defined by ORS 517.750) including, but not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt or Portland cement that comply with these requirements:

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

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(a-a) Processing of other mineral resource and other subsurface resources that comply with LC 16.212(10)(f) through (g) below.

(b-b) Public or private schools, 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.

(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 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. (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 (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

(bb) Is located on a commercial dairy farm. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross income required by LC 16.212(6)(b)(iv)(aa) above from the sale of fluid milk, and:

(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

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

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development

trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for new parcels for non-farm dwellings under LC 16.212(9)(d) below. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under LC 16.212(6)(c) above and LC 16.212(7)(f) and (g) below;

(cc) Determine whether the approval of the proposed non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operations due to diminished opportunities to expand, purchase of lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(v) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(vi) Land use approval of a permit described in LC 16.212(6)(c) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(c)(vi) above may be made and approved pursuant to LC 14.700(2).

(d) For land located west of the summit of the Coast Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

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

(ii) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land and:

(aa) A lot or parcel shall not be considered "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(bb) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on

surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(iii) The dwelling will not alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards in LC 16.212(6)(c)(iv)(aa) through (cc) above;

(iv) The dwelling complies with such other conditions as the Approval Authority considers necessary; and

(v) Land use approval of a permit described in LC 16.212(6)(d) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.212(6)(d)(v) above may be made and approved pursuant to LC 14.700(2).

(e) A dwelling customarily provided in conjunction with a commercial dairy farm that complies with these requirements:

(i) As used in LC 16.212(6)(e) above, a "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning at least \$80,000 in gross annual income from the sale of fluid milk;

(ii) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary for the operation of the commercial dairy farm;

(iii) The building permits, if required, have been issued for or construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;

(iv) The Oregon Department of Agriculture has approved the following:

(aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 through 468B.230; and

(bb) A Producer License for the sale of dairy products under ORS 621.072;

(v) The subject tract will be employed as a commercial dairy as defined by LC 16.212(6)(e)(i) above;

(vi) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(vii) Except as allowed by ORS 215.213(r) (1999 edition), there is no other dwelling on the subject tract; and

(viii) LC 16.212(10)(h) and (i) below.

(f) A dwelling customarily provided in conjunction with farm use is allowed subject to compliance with these requirements:

(i) Within the previous two years, the applicant owned 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)(ii)(aa) above; and

(vi) LC 16.212(10)(h) and (i) below.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

<u>Farm Group</u>	<u>Size</u>
Cash grains.....	120 acres
Field crops (includes grass seed production).....	160 acres
Tree fruit and nuts.....	40 acres
Horticultural specialties	20 acres
General farm, primarily crop	320 acres
Extensive animal grazing.....	120 acres
Intensive animal husbandry	40 acres
Dairy farm.....	240 acres
General farm, primarily livestock	80 acres
Berries and grapes.....	20 acres
Vegetables and melons	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25.....	25 acres
E-30.....	30 acres
E-40.....	40 acres
E-60.....	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

- Land preparation.
- Ripping and plowing.
- Fencing.
- Surveying.
- Crop cultivation.
- Irrigation.
- Herbicide; fungicide and/or fertilizer application.
- Machinery.
- Accessory farm buildings.
- Breeding and livestock raising concerns.
- Labor.
- Projected expenses associated with the above.
- Date by which the farm management plan would be substantially

implemented.

(c) A division of land may be allowed for a non-farm use identified in LC 16.212(4) above, provided:

(i) The parcel for the non-farm use is not larger than the minimum size necessary for the use;

(ii) Any additional tax imposed for the change in use has been paid; and

(iii) Notwithstanding LC 16.212(9)(c) above, a division of land shall not be approved for a use allowed by LC 16.212(4)(c), (h), (i), (m), (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; 6-10, 9.18.10)*

**PAGES 16-186 THROUGH 16-210
ARE RESERVED FOR FUTURE EXPANSION**

**SIGNIFICANT NATURAL SHORELANDS COMBINING ZONE (/SN-RCP)
RURAL COMPREHENSIVE PLAN**

16.237 Significant Natural Shorelands Combining Zone (/SN-RCP).

(1) Purpose. The Significant Natural Shorelands Combining Zone /SN-RCP is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing a combination of unique physical, social or biological characteristics requiring protection from intensive human disturbances. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /SN-RCP Zone is applied to prominent aesthetic features, such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas.

The /SN-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN-RCP Zone that require protection beyond that provided by the zone or zones with which the /SN-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /SN-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /SN-RCP Zone is combined. Where the requirements of the /SN-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(10) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /SN-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Shore-secured floating moorage facilities in adjacent water areas.

(f) Dredged material disposal when the /SN-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(g) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(11) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

- (ii) Criteria. All requirements set forth in LC 16.237(6), (7) and (8) below are met.
- (b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /SN-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237(6), (7) and (8) below.
 - (ii) Criteria and Conditions.
 - (aa) The said parcel existed prior to July 24, 1980.
 - (bb) The structures shall not occupy more than 30 percent of the lot area.
 - (cc) All applicable height restrictions are observed.
 - (dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.
 - (ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
 - (ff) All otherwise applicable requirements of this section are met.
- (c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:
 - (aa) Public or commercial piling-type docks or piers.
 - (bb) Private, multifamily or multi-use piling-type docks or piers.
 - (cc) Mooring buoys which are permanently anchored to the estuary floor.
 - (dd) Dolphins.
- (ii) Criteria.
 - (aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).
 - (bb) The use is not in violation of the purposes of the respective zone or zones with which the /SN-RCP Zone is combined.
 - (cc) The use meets all criteria and conditions of the appropriate estuary zone.
- (d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.237(5) below.
 - (ii) Criteria.
 - (aa) All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.
 - (bb) The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Rural Comprehensive Plan.
 - (cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.
 - (dd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.
- (e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.
 - (ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling-type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following uses are specially prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in the Lane County Rural Comprehensive Plan.

(6) Site and Development Requirements. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.237(6)(a) above. Where vegetation removal beyond that allowed in LC 16.237(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /SN-RCP Zone is combined.

(e) No topographic modification is permitted within the 100-foot setback area specified by LC 16.237(7) below.

(f) The shoreward half of the setback area specified by LC 16.237(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.237(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.237(7) below.

(i) All mature trees must be retained within the setback area specified by LC 16.237(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 /SN-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 100 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 100 feet shall be as specified in LC 16.237(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 /SN. RCP Zone, based on the Preliminary Investigation in LC 16.237(10) below. These criteria are in addition to minimum area requirements of any zone combined with the /SN-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 quality, and not increase hazard to life or property.

(b) For lands not within urban or urbanizable areas or lands developed or committed to development:

(i) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Additional Area Requirements. Land divisions meeting the above specified criteria are permitted, subject to the minimum area requirements of the respective zone or zones with which the /SN-RCP Zone is combined or 10 acres, whichever is greater.

(10) Preliminary Investigation. Any proposal for development within the /SN-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /SN-RCP Zone shall apply. The requirements of the /SN-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 floodway fringe.

(ii) Land lying between the mean high water and mean low watermark of the 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 would be inadequate to protect water quality, water temperature or shoreline 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 16.237(10)(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.
- (11) 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.
- (12) 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 /SN-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.237(10) above.

(13) 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.

(14) 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.

(15) 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.

(16) Application of Zone to Federal Lands. The application of the /SN-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)*

**PAGES 16-389 THROUGH 16-400
ARE RESERVED FOR FUTURE EXPANSION**

**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.

(d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /PW RCP Zone is combined, subject to the development, setback and area 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 with which the /PW-RCP Zone is combined.

(gg) All requirements set forth in LC 16.238(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

- (ii) Criteria.
 - (aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.
 - (bb) Natural bank stabilization methods are unfeasible or less appropriate.
- (f) (i) Uses. Single-family, single-purpose, piling-type docks and piers.
 - (ii) Criteria.
 - (aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-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; 5-96, 11.29.96; 6-10, 9.18.10)*

NATURAL RESOURCES CONSERVATION COMBINING ZONE (/NRC-RCP) RURAL COMPREHENSIVE PLAN

16.239 Natural Resources Conservation Combining Zone (/NRC-RCP).

(1) Purpose. The Natural Resources Conservation Zone (/NRC-RCP) is applied to those coastal area shorelands identified in inventory information as timber lands, agricultural lands or shorelands in dune areas. It is the purpose of the /NRC-RCP zone to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities

which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal waters.

The /NRC-RCP Zone is specifically designed to carry out the following purposes:

- (a) Conservation and maintenance of renewable resources, primarily silvicultural and agricultural.
- (b) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.
- (c) Enhancement of renewable resources such as the coastal fisheries and timber industries.
- (d) Allow for recreation and public access to coastal waters.

The /NRC-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /NRC-RCP Zone which require protection beyond that provided by the zone or zones with which the /NRC-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /NRC-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /NRC-RCP Zone is combined. Where the requirements of the /NRC-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 /NRC-RCP Zone by the Preliminary Investigation specified by LC 16.239(8) 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 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 /NRC-RCP Zone is combined.

(b) Agricultural activities and general farming uses and structures as permitted by the zone or zones with which the /NRC-RCP Zone is combined.

(c) Dredged material disposal when the /NRC-RCP Zone is in conjunction with the /DMS-RCP Zone.

(d) Shore-secured floating moorage facilities in adjacent water areas.

(e) Public, commercial or private, multifamily, multi-use piling-docks and piers in adjacent lakes and in estuary zones, subject to the requirements of the respective estuary zones.

(f) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(g) Harvesting of wild crops.

(h) Low-intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family dwelling units and mobile homes and such accessory buildings as allowed in the underlying zone.

(ii) Criteria. All requirements set forth in LC 16.239(5), (6) and (7) below are met.

(b) (i) Uses. Single family dwelling units and mobile homes as allowed in the zone or zones with which the /NRC-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 16.239(5), (6) and (7) below.

(ii) Criteria.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of lot area.

(cc) All applicable height restrictions are observed.

(dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation criteria by LC 16.239(5) below is minimized.

(ff) All otherwise applicable requirements of this section are met.

(c) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes or Development or Conservation Estuary Zones.

(ii) Criteria.

(aa) The applicant shall attest in writing that there are no viable alternatives to the construction of a private, single-family structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zones are met.

(d) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.239(5)(d) below.

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(e) (i) Uses. All permitted buildings and uses, special uses or conditional uses allowed in the respective zone with which the /NRC-RCP Zone is combined, subject to the development, setback and area requirements of this section, except where expressly prohibited by this section.

(ii) Criteria.

(aa) All applicable criteria provided with the respective zone with which the /NRC-RCP Zone is combined are met.

(bb) All requirements set forth in LC 16.239(5), (6) and (7) below are met.

(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(dd) The use will not adversely affect the resource use of adjacent timber or agricultural lands.

(f) (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, or to protect public or private roads, bridges or railroads.

(bb) Natural bank stabilization methods are unfeasible.

(g) (i) Uses. Fills in coastal lakes adjacent to the /NRC-RCP Zone.

(ii) Criteria and Conditions.

(aa) The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(bb) Cumulative and direct impacts on water quality must be minimized.

(cc) The benefits of the proposed fill to long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality.

(5) Site and Development Requirements. If found subject to the requirement of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /NRC-RCP is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /NRC-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, septic requirements and fire safety requirements.

(b) In all cases, vegetative cover shall be retained on lands within the shoreland area. Construction activities shall occur in such a manner as to avoid unnecessary excavation and removal of indigenous vegetation, unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.

(c) Thirty feet of indigenous riparian vegetation shall be retained along all coastal water bodies. This shall be measured at right angles from the mean high waterline of the coastal water body.

(d) Existing trees must be retained with an area 50 feet in width measured at right angles from the mean high waterline of the coastal water body.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.239(6) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.239(6) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /NRC-RCP Zone is combined.

(h) 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.

(6) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /NRC-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from the coastal lakes measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.239(5)(c)-(f) 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.

(7) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /NRC-RCP Zone, based on the Preliminary Investigation in LC 16.239(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /NRC-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: 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.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, 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 locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /NRC-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /NRC-RCP Zone shall apply. The requirements of the /NRC-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 watermark of coastal water bodies.

(iii) Dikes, dam, 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 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 shoreline 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 16.239(8)(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.

(9) 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.

(10) 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 /NRC-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.239(8) above.

(11) 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.

(12) 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.

(13) 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) Where applications for development are received for lands zoned for timber production, said applications shall be referred to the District Forester of the Oregon Department of Forestry. The District Forester shall have a 14-day "review and comment" period to evaluate the impact of the proposed development on the timber productivity of the parcel and adjacent lands.

(e) Improvements to ocean shore areas (as defined in ORS 390.065) are subject to a permit from the Oregon Department of Transportation.

(14) Application of Zone to Federal Lands. The application of the /NRC-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)*

**RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD-RCP)
RURAL COMPREHENSIVE PLAN**

16.240 Residential Development Shorelands Combining Zone (/RD-RCP).

(1) Purpose. The Residential Development Combining Zone (/RD-RCP) is applied to coastal shorelands areas suited to residential development within urbanizable areas and to lands outside of urbanizable areas which have been committed to residential use by their development pattern, including actual development and the platting of subdivision lots. Within these areas, the /RD-RCP Zone is designed to ensure:

- (a) Development in a manner that will protect water quality.
- (b) Preservation and enhancement of riparian vegetation.
- (c) Provision of recreational use of shorelands.
- (d) Diversification of shorelands uses. The /RD-RCP Zone provides a

procedure by which to define the exact geographical boundaries of the shorelands within the /RD-RCP Zone that require protection beyond that provided by the zone or zones with which the /RD-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /RD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /RD-RCP Zone is combined. Where the requirements of the /RD-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 /RD-RCP Zone by the Preliminary Investigation specified by LC 16.240(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:

- (a) Shore-secured floating moorage facilities in adjacent estuaries and lakes.
- (b) Private multifamily, multi-use type docks and piers in adjacent lakes and estuarine areas, if permitted by the respective estuary zone.
- (c) Dredged material disposal when the /RD-RCP Zone is used in conjunction with the /DMS-RCP Zone.
- (d) Commercial or public docks and piers; provided such uses conform to the purposes of the zone or zones with which the /RD-RCP Zone is combined and provided such uses conform to the requirements of the respective estuary zone.

(e) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(f) Harvesting of wild crops.

(g) Low intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.240(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 /RD-RCP Zone is combined, but where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.240(6), (7) and (8) below.

(ii) Criteria and Conditions.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

(dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(ff) All otherwise applicable requirements of this section are met.

(c) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone or zones with which the /RD-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as expressly prohibited by LC 16.240(5) below.

(ii) Criteria.

(aa) All applicable criteria provided within the respective zone or zones with which the /RD-RCP Zone is combined are met.

(bb) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Water Pollution Control Division shall be the proper consulting agency in this regard.

(cc) All requirements set forth in LC 16.240(6), (7) and (8) below are met.

(d) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes and estuary. (No piling-type piers are permitted in the Natural Estuary Zone (NE-RCP)).

(ii) Criteria.

(aa) The applicant shall attest in writing, subject to confirmation by the Planning Director, that there are no viable alternatives to the construction of a private, single-family pier or dock structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zone are met.

(e) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.240(6).

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(f) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) Natural erosion processes threatening a water-dependent use(s) or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

(5) Prohibited Uses. The following uses or activities are expressly prohibited in the /RD-RCP Zone: Fills in coastal lakes adjacent to the /RD-RCP Zone.

(6) Site and Development Requirements. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the below specified development requirements shall be in addition to those provided by the respective zone or zones with which the /RD-RCP Zone is combined. These requirements shall not apply to timber harvest activities where the underlying zone allows timber harvesting as a permitted use. In such areas, timber harvesting activities shall conform to Oregon Forest Practices Act rules.

(a) Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the structures, necessary access, septic requirements and fire safety requirements.

(b) In all cases vegetative cover shall be retained on lands within the shoreland area. Construction activities shall occur in such a manner as to avoid unnecessary excavation and removal of indigenous vegetation, unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.

(c) Within the setback area specified under LC 16.240(7) below, all indigenous riparian vegetation, except that removed to provide paths to the water body, shall be retained within an area 30 feet in width measured at right angles from the mean high waterline of the water body. For the remainder of the required setback area, brush may be removed, but trees shall be retained.

(d) Where riparian vegetation does not exist along the shoreline of the estuary or coastal lakes, an area 30 feet in width, measured at right angles to the shoreline, shall be planted in indigenous vegetation or other vegetation which will aid in bank stabilization and prevent sedimentation of the water body. Areas necessary for access to the water body are exempted from this requirement. Continued maintenance of this vegetation shall be the responsibility of the landowner.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.240(7) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.240(7) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /RD-RCP Zone is combined.

(h) 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 /RD-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 16.240(6)(c)-(f) 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 /RD-RCP Zone, based on the Preliminary Investigation in LC 16.240(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /RD-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: 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.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, 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 locations within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /RD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /RD-RCP Zone shall apply. The requirements of the /RD-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 watermark 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 shoreline 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 16.240(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 /RD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.240(9) above.

(12) Appeal to the 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) 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 /RD-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)*

**PAGES 16-418 THROUGH 16-435
ARE RESERVED FOR FUTURE EXPANSION**

**SHORELANDS MIXED DEVELOPMENT COMBINING ZONE (/MD-RCP)
RURAL COMPREHENSIVE PLAN**

16.241 Shorelands Mixed Development Combining Zone (/MD-RCP).

(1) Purpose. The Shorelands Mixed Development Combining Zone (/MD-RCP) is applied to those coastal shorelands which are recognized in the Lane County Rural Comprehensive Plan and supportive technical data as being all or partially committed to commercial and industrial uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that they be preserved for the expansion of existing water dependent and water related commercial or industrial uses; provided such uses cannot be accommodated within the urbanizable or urbanized area of the City of Florence.

The /MD-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /MD-RCP Zone that require protection beyond that provided by the zone or zones with which the /MD-RCP Zone is combined, and imposes additional development requirements within those boundaries.

In addition, the /MD-RCP Zone is specifically intended to carry out the following purposes:

(a) Provision, adjacent to deep water environments or shoreland sites for use by water dependent and water related commercial and industrial uses.

(b) Protection of previously existing water dependent and water related commercial and industrial sites in shoreland areas.

(c) Provision of opportunities for non-water dependent or non-water related uses within the parameters of the Lane County Rural Comprehensive Plan and Statewide Planning requirements.

(d) Protection of coastal waters and avoidance of geologic and hydrologic hazards.

(2) Intent. The requirements imposed by the /MD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /MD-RCP Zone is combined. Where the requirement of the /MD-RCP Zone conflict with the requirement of the zone or zones with which it is combined, the more restrictive requirements shall apply. Non-water dependent or non-related uses shall only be allowed if the parcel in question has been demonstrated unsuited for water dependent or water related uses.

(3) Permitted Uses. In areas found subject to the requirements of the /MD-RCP Zone by the Preliminary Investigation specified by LC 16.241(8) 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:

(a) The following boat moorage and storage facilities:

(i) Dry land storage.

(ii) Shore-secured floating moorage facilities, mooring buoys, piling-type piers and launch ramps; provided such facilities are located within adjacent Development Estuary Zones (DE-RCP) or a lake.

(b) The three wood processing facilities identified and found to be water dependent in the Coastal Goals Compliance Report element of the Lane County Rural Comprehensive Plan.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the following specified uses and no others are permitted subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

- (a) (i) Uses. Water dependent and water related commercial and industrial uses outside of urban and urbanizable areas.
- (ii) Conditions and Criteria.
 - (aa) Uses cannot be accommodated within an urban or urbanizable area.
 - (bb) The site has the potential for water dependent and water related uses.
 - (cc) Short-term economic gain or convenience in development shall be evaluated in relation to potential long-term effects on the estuary and shoreland, as well as the long-term economy of the area.
 - (dd) Visual attractiveness of design and layout is considered.
 - (ee) Maintain or encourage riparian vegetation for erosion control, bank stabilization, maintenance of water quality and temperature aesthetics where feasible.
- (b) (i) Uses. New single-family dwelling units and mobile homes or other residential units and accessory buildings as allowed in the underlying zones outside of urban and urbanizable areas.
- (ii) Criteria and Conditions.
 - (aa) The parcel is unsuited to water dependent or water related uses.
 - (bb) All requirements set forth in LC 16.241(6), (7) and (8) below are met.
- (c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in other than a Development Estuary Zone (DE-RCP) or a lake.
 - (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 meets the requirements of the respective estuary zone.
 - (bb) The use is not in violation of the purposes of the respective zone or zones with which the MD-RCP Zone is combined.
- (d) (i) Uses. All buildings and uses allowed as permitted uses, special uses or conditional uses in the respective zone with which the MD-RCP Zone is combined, subject to the development, setback and area requirements of this section, except as may be provided otherwise by the provisions of LC 16.241(3), (4) and (5) above and below.
- (ii) Criteria and Conditions. The use is water dependent or water related, or if the parcels are unsuited to water dependent uses, then uses which are non-dependent, non-related, conforming to the requirements of the underlying zone and the requirements of LC 16.241(3), (4) and (5) above and below.
- (e) (i) Uses. Artificial bank stabilization.
- (ii) Criteria.
 - (aa) Natural erosion processes threatening a water dependent use(s), or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are deemed unfeasible or less appropriate.

(f) (i) Uses. Filling coastal lakes or estuary adjacent to /MD-RCP Zone.

(ii) Criteria and Conditions.

(aa) Cumulative effects of all such fills shall be considered.

(bb) The fill is required to protect a water dependent use from erosion.

(cc) All requirements set forth in LC 16.241(6)(b) and (c) and LC 16.241(7) and (8) below apply.

(dd) If the fill meets the requirements of the respective estuary zone and the requirements of State and Federal agencies.

(5) Determination of Land Suitable for Water Dependent/Water Related Uses.

The following criteria shall be used to determine the suitability of land found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation, for water dependent, water related uses. Land not possessing one or more of the following characteristics shall be considered unsuitable for such uses:

(a) Land adjacent to deep water close to shore with supporting land transport facilities suitable for ship and barge facilities.

(b) Aquaculture suitability.

(c) Protected areas adjacent to shore, subject to scour which would require little dredging for marina use.

(d) Potential for high intensity recreational use of water body and existing riparian resources. Such areas include those areas used traditionally for high intensity recreation or exceptional aesthetic resources.

(6) Site and Development Requirements. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /MD-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 /MD-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) Riparian vegetation shall be maintained or encouraged to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water dependent or water related use.

(b) The applicant must submit a complete analysis of all physical and biological impacts upon the shorelands area and upon coastal waters and water resources. The report shall consider, at a minimum, the critical relationships which exist between coastal shorelands and coastal water resources and the potential for geological and hydrological hazards:

(c) The benefits of the proposed activity to the long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature and resources, bank stabilization, erosion control and general aesthetics.

(d) 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) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /MD-RCP Zone, based on the Preliminary Investigation in LC 16.241(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /MD-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: 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.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, 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 locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /MD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /MD-RCP Zone shall apply. The requirements of the /MD-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 floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark 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 shoreline 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 16.241(8)(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.

(9) 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.

(10) 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 /MD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.241(8) above.

(11) 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.

(12) 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) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(13) Application of Zone to Federal Lands. The application of the /MD-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; 5-96, 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(8)(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)*

**RURAL PUBLIC FACILITY ZONE (RPF, RCP)
RURAL COMPREHENSIVE PLAN**

16.294 Rural Public Facility Zone (RPF, RCP).

(1) Purpose. The purposes of the Rural Public Facility Zone (RPF, RCP) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed exception lands. LC 16.294 applies only to developed and committed exception lands;

(b) To provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual uses not normally associated with other zones;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan; and

(d) LC 16.294 is not retroactive. The Director has no authority to initiate compliance with LC 16.294 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.294(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 compliance with 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 16.294.

(b) The uses and development authorized by LC 16.294(3)(a) through (q), (s) and (t) 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 uses and development shall not change the number, size or location of existing public facility structures on the subject property and shall not extend the public facility uses and development beyond the area of the existing public facility uses and development. The area of the existing public facility uses and development shall include all existing structures and outside areas in public facility use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.294(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a public facility structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.294 was applied to the subject property and shall not be closer to a property line than the closest portion of existing public facility structures meeting the setbacks required by LC 16.294(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance with conditions. And, the Director shall determine if the addition to a public facility structure complies with this condition; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.294(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.294(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16 and is not illuminated.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground 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 16.294(2)(c) above shall be maintained.

- (d) Fish and wildlife habitat management.
 - (e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
 - (f) 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.
 - (g) Uses and development accessory to existing uses and development allowed by LC 16.294(2)(a) through (f) above or (3)(a) through (v) below.
- (3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) 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) Electric utilities such as: a generation plant, transmission facilities, right-of-ways, electricity regulating substations, and other facilities related to electricity generation and distribution.
 - (b) Gas utilities such as: gas pipeline right-of-way, gas storage and distribution and gas pressure control substations.
 - (c) Water utilities such as: water treatment plants, water storage, intake and outtake facilities, water pipeline right-of-way, and other facilities related to water treatment and storage.
 - (d) Sewage disposal including but not limited to: sewage treatment plants, sewage sludge drying beds and sewage pressure control stations.
 - (e) Solid waste disposal such as: refuse incineration, central garbage grinding stations, composting plants, sanitary landfills and refuse disposal.
 - (f) Educational facilities and services such as: nursery, primary and secondary education; colleges and professional schools; special training schools such as those for: vocations, trades, arts, music, dancing, driving, gymnastics and correspondence. Such uses must be located inside an unincorporated community.
 - (g) National Guard centers and meeting halls within one-half mile radius of Lane Community College.
 - (h) Religious activities such as: churches, synagogues, temples, and monastery or convent.
 - (i) Welfare and charitable services. Such uses must be located inside an unincorporated community.
 - (j) Professional membership organizations. Such uses must be located inside an unincorporated community.
 - (k) Labor unions and similar organizations. Such uses must be located inside an unincorporated community.
 - (l) Civic, social and fraternal associations. Such uses must be located inside an unincorporated community.
 - (m) Business associations. Such uses must be located inside an unincorporated community.
 - (n) Sports assembly for lands owned and operated by public or private schools for primary, secondary or college education such as: stadiums or grandstands, foot race tracks, ball playing fields, and basketball, volleyball or tennis playing courts.

Such uses must be located inside an unincorporated community or for schools that provide education primarily for rural residents living in the area.

(o) Governmental services, such as: post office, fire station and sheriff or police station. Such uses must be located inside an unincorporated community.

(p) Cemeteries.

(q) Health services such as: dental or medical offices or clinics, dental or medical laboratory, and convalescent and rest homes. Such uses must be located inside an unincorporated community.

(r) Communication facilities, such as: internet station and offices; radio station, studio and towers; and TV station, studio and towers.

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

(t) Heliport.

(u) Uses and development similar to uses and development permitted by LC 16.294(3)(a) through (t) above if found by the Director to be clearly similar to the uses and development permitted by LC 16.294 (3)(a) through (t) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.294(1) above.

(ii) When compared with the uses and development permitted by LC 16.294(3)(a) through (t) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

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

and

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

(v) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing public facility use permitted by LC 16.294(2)(a) through (d) or (3)(a) through (u) above and located on the same lot or parcel as the existing public facility use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from portion of the same lot or parcel with the public facility use on it.

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

(4) Criteria. New uses or development allowed by LC 16.294(3)(a) through (u) above, except for telecommunications facilities allowed by LC 16.294(3)(s) above,

shall comply with the criteria in LC 16.294(4) below. Telecommunications facilities allowed by LC 16.294(3)(s) 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 and development 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 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.

(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 Development Standards. All uses and development permitted by LC 16.294(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) At least 10 feet from all other property lines except as required in LC 16.294(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 or sign 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 be limited to 200 square feet in area.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are permitted by LC 16.294(2)(a) through (g) or (3)(a) through (v) above and that are conducted on the same premises where the signs are located; 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; 5-04, 7.1.04)*

**PRIVATE USE AIRPORT OVERLAY ZONE (/PUAO, RCP)
RURAL COMPREHENSIVE PLAN**

16.296 Private Use Airport Overlay Zone (PUAO, RCP)

(1) Purpose. The purpose of the Private Use Airport Overlay Zone is to recognize the locations of certain private use airports and heliports and to provide for their continued operation and vitality consistent with state law. It also provides for standards to promote air navigational safety at these airports, and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.

(2) Applicability. The Private Use Airport Overlay Zone consists of two elements: a private use airport operation district and a safety overlay zone.

(a) The private use airport operation district applies to private use airports and heliports in rural Lane County that were the base for three or more aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation. The boundaries of the private use airport operation district are delineated on the Official Private Use Airport Overlay Zone Map. The identified private use airports and heliports in Lane County include:

- (i) Crow-Mag Airport;
- (ii) Jasper Ridge Airport;
- (iii) Meadowview Heliport;
- (iv) Strauch Field Airport; and
- (v) Walker Airport.

(b) The safety overlay zone applies to those lands encompassed by the airport and heliport surfaces set forth and defined in LC 16.296(3), delineated in LC 16.296(8) and diagramed LC 16.296(13).

(c) If any airport or heliport to which this overlay zone has been applied is removed from the State's list of airports in a manner described in ORS 836.610, the county will no longer apply and enforce the safety overlay zone that corresponds to the removed airport or heliport.

(3) Definitions.

Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Elevation. The highest point of an airports' usable runway, measured in feet above mean sea level.

Airport Imaginary Surface. Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport or heliport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of a runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to the width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for one foot forward.

Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Heliport. An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

Heliport Imaginary Surface. Airport imaginary surfaces as they apply to heliports.

Heliport Approach Surfaces. The approach surface beginning at each end of the heliport primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

Heliport Primary Surface. The area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

Heliport Transitional Surfaces. Surfaces extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontal from the centerline of the primary and approach surfaces.

Obstruction. Any structure, or tree, plant or other object of natural growth that penetrates an imaginary surface.

Primary Surface. A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation on the nearest point on the runway centerline. The width of the primary surface is 200 feet.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. For the purposes of LC 16.296, "structures" means any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

(4) **Existing Uses within the Private Use Airport Operation District.** Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of January 1, 2008. The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos. The determination is subject to submittal of an Airport Use Determination application pursuant to LC 14.050 and review and approval of the Airport Use Determination 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.

(5) **Continued Operation of Existing Uses.** Operation of the following uses may be continued within the airport operation district at their current levels as of February 1, 2008, upon determination that the use existed at the airport or heliport at any time during 1996.

(a) Customary and usual aviation-related activities, including but not limited to take-offs and landings.

(b) Aircraft hangers and tie-downs.

(c) Ongoing maintenance of airport facilities.

(d) Fixed based operator facilities.

(e) One single family residence per airport for either: an airport caretaker, operator or security officer, but not a residence for each.

(f) Other activities incidental to the normal operation of an airport. Except as provided elsewhere in Lane Code 16.296, "customary and usual aviation-related activities" do not include residential, commercial, or industrial uses provided for in other sections of Lane Code Chapter 16.

(g) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

(h) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical labs, medical equipment sales, and other similar uses.

(i) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

(j) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

(k) Flight instruction, including activities, facilities, and non-residential accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

(l) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personnel use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

(m) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

(n) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

(o) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agriculture, forestry or rangeland management setting.

(p) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.

(q) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft, aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto

an airport. As used herein, parachuting and parachute drops include all forms of skydiving. Parachuting businesses may only be allowed where the business has approval to use a drop zone that is at least 10 contiguous acres in size. A larger drop zone may be required where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(6) Expansion of Existing Uses. The expansion of uses identified in 16.296(5)(a)-(q) that existed at any time during 1996, are permitted as provided in this section.

(a) Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

(i) Construction of additional hangars and tie-downs by the owner of the airport or heliport.

(ii) Basing additional aircraft at the airport or heliport.

(iii) Increases in flight activity.

(b) Other Expansions of Existing Uses.

(i) Growth of existing uses that require building permits, other than those existing uses identified LC 16.296(6)(a) shall be permitted as an administrative decision without public hearing, unless the growth:

(A) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals.

(B) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(C) Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

(ii) Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in LC 16.296(7).

(7) New Uses. Uses identified in LC 16.296(5) are permitted following a public hearing before the Director upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

(a) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) The uses do not seriously interfere with existing land uses in areas surrounding the airport or heliport; and

(c) For airports or heliports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

(8) Safety Overlay Zone Surface Delineation. The location of the imaginary surfaces defined in LC 16.296(3) for each private use airport and heliport subject to this overlay zone are depicted on the Official Private Use Airport Overlay Zone Map. All lands, waters and airspace, or portions thereof that are located within these surfaces are subject to the requirements of this overlay zone. The dimensional standards and slope profiles for these surfaces are diagramed in LC 16.296(13).

(9) Notice of Land Use and Permit Applications within the Safety Overlay Zone.

(a) The county shall provide written notice of applications for land use decisions or administrative approvals, including comprehensive plan or zoning amendments, affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to LC 14.070 and 14.100 in the same manner and

within the same timelines as notice is provided to property owners entitled by law to written notice of land use decisions or administrative approvals.

(b) The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.100, is provided to parties to a land use or limited land use proceeding.

(10) Height Limitations within the Safety Overlay Zone. All structures permitted by the underlying zone shall comply with the height limitations in LC 16.296(10)(a) and (b), below. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations controls.

(a) Except as provided in LC 16.296(10)(b) below, no structure, tree or other object of natural growth shall penetrate an airport imaginary surface.

(b) Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall comply with LC 16.256(1) and (2), and shall be subject to such conditions and terms as recommended by the Department of Aviation.

(11) Procedures. An applicant seeking a land use or administrative approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(a) A map or drawing showing the location of the property in relation to the airport or heliport imaginary surfaces. The Director shall provide the applicant with appropriate base maps upon which to locate the property.

(b) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

(c) If a height variance is requested, letters of support from the airport sponsor and the Department of Aviation.

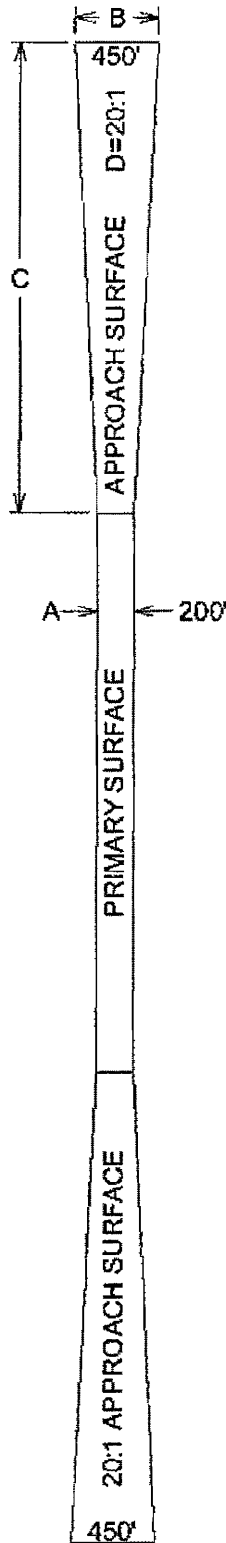
(12) Nonconforming Structures.

(a) These regulations do not require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations do not require any change in the construction, alteration or intended use of any structure for which construction was begun or land use permits were applied for prior to January 1, 2008.

(b) Notwithstanding LC 16.296(12)(a), the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

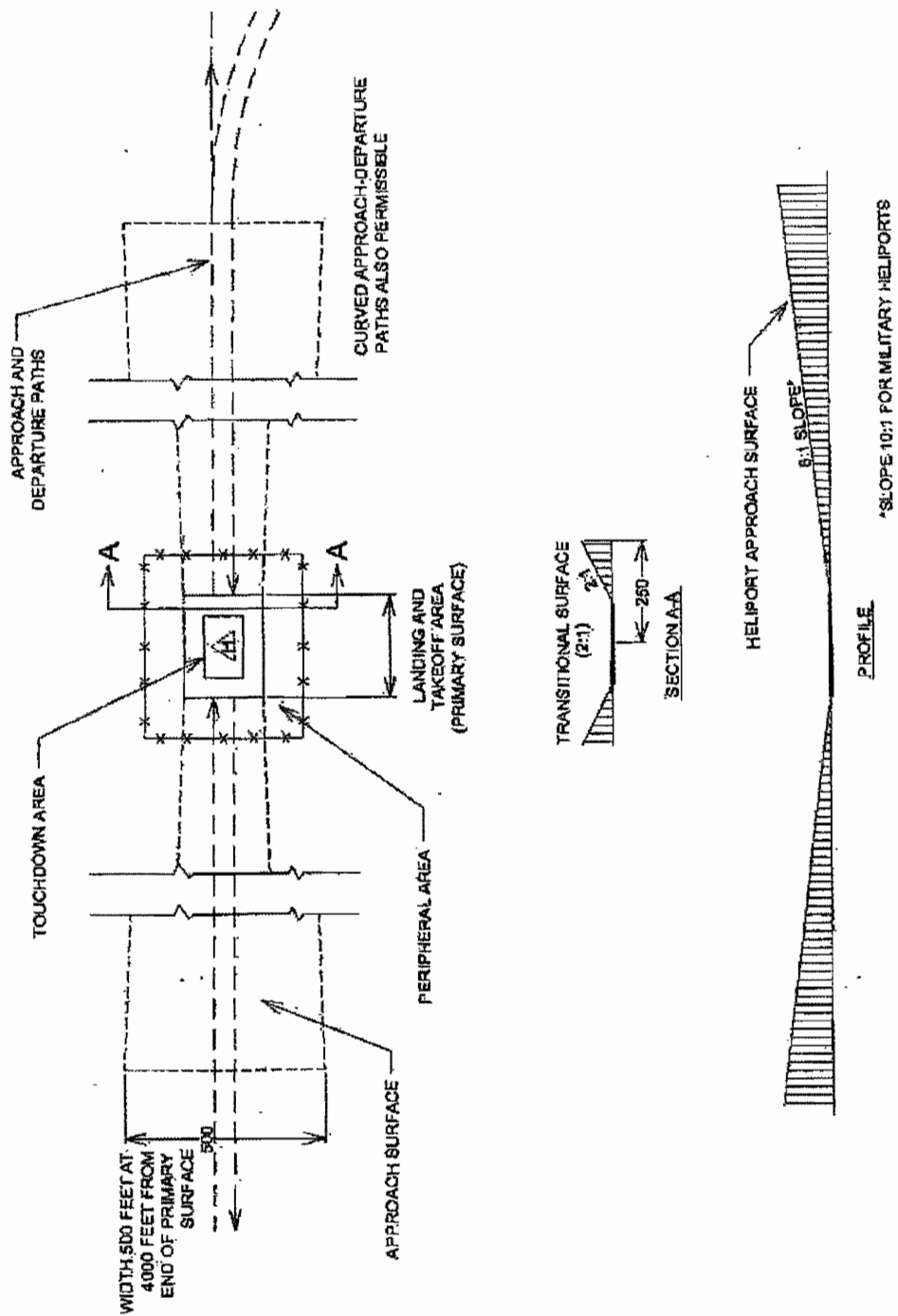
(c) No land use decision, administrative approval or other permit shall be granted that would allow a nonconforming structure to become a greater hazard to air navigation than it was on January 1, 2008.

(13) Surfaces Diagramed. The airport surfaces delineated in LC 16.296(8), above are as diagramed in Figure 1.1, below. The heliport surfaces delineated in LC 16.296(8) above are as diagramed in Figure 1.2, below. In addition to the diagrams below, these surfaces have been mapped on the Official Private Use Airport Overlay zone map.



DIM	ITEM	DIMENSIONAL STANDARDS IN FEET
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	200
B	APPROACH SURFACE WIDTH AT THE END	450
C	APPROACH SURFACE LENGTH	2500
D	APPROACH SLOPE	20:01

LC 16.296 (13) Figure 1.1: Private-Use Airport Surfaces



LC 16.296 (13) Figure 1.2: Heliport Surfaces

(Revised by Ordinance No. 15-07, Effective 2.1.08)

Findings of Fact In Support of Ordinance No. 7-10

The Lane County Board of Commissioners Initiated Updates To Lane Code and Lane County Rural Comprehensive Plan For Consistency and Clarity.

Finding: The proposed amendments to Lane Code and Lane County Rural Comprehensive Plan were directed by the Board to address changes in state laws and make appropriate corrections or clarifications.

Criteria

LC 12.005 Purpose.

(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

Finding

The proposed amendments 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 plan and implementing regulations into compliance with state law, will promote consistency at the local level with the applicable state laws and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable state law.

LC 12.050 Method of Adoption and Amendment

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

Finding

The proposed amendments to the Rural Comprehensive Plan and Lane Code will be adopted by ordinance when enacted by the Board.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

- (a) an error in the plan; or***
- (b) changed circumstances affecting or pertaining to the plan; or***
- (c) a change in public policy; or***
- (d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.***

Finding

The proposed amendments directly implement changes to state law, and as such meet this provision under (b), (c), and (d) above upon adoption by the Board. They also provide additional clarification and correct errors in the current plan or implementation regulations where necessary.

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

(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.

Finding

The proposed amendments address changes in state law and clarify or correct previous erroneous references or text to help implement the Lane County Rural Comprehensive Plan and Lane Code Chapters 13 and 16. Making the revisions will provide clarity and consistency with state and local law.

LC 16.400 Rural Comprehensive Plan Amendments.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

Finding

The proposed amendments shall be adopted by ordinance when enacted by the Board.

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

Finding

The proposed amendments are necessary to correct identified errors in the current plan. Adoption of these amendments will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable state law.

(bb) For Major and Minor Amendments as defined in LC16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements;

or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

Finding

The proposed amendments are necessary to correct identified errors in the current plan, clarify and correct implementing regulations, and conform provisions to state law and as such meet this provision under (i-i), (ii-ii) and (v-v) above upon adoption by the Board.

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

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

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

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

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

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

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

(3) Relation to Adjoining Road System. A subdivision, replat or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions, replats or partitions, or for their proper projection when adjoining property is not subdivided, replatted or partitioned, and such streets shall meet the minimum requirements for roads set forth in LC Chapter 15. Where the Approving Authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made as provided in LC 15.900.

(4) Redevelopment Plan.

(a) In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that parcels, lots or blocks shall be of such size and shape, be so designed and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel or lot into smaller sizes which shall have the minimum lot frontage on a street.

(b) Any person dividing tracts of land into large parcels or lots which at some future time could be further divided and still meet the minimum area requirement of the zone in which the land is located, shall provide suitable road access to each created parcel or lot so that the future development of each parcel or lot shall provide access for redevelopment parcels or lots.

(c) The County may require that special development recommendations and/or restrictions on the location of buildings be made a matter of public record when it is deemed necessary to ensure that redivision may take place in conformity with the

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purpose of this chapter. If the restrictions are considered permanent, they may be recorded by separate document.

(d) Redevelopment plans may be required to show compliance to LC 13.050(4)(a), (b) & (c) above prior to preliminary approval.

(5) Access.

(a) Lots or parcels shall have verifiable access by way of a road, either County, local access - public or an easement. Verifiable access shall meet the following criteria:

(i) Each lot or parcel abuts on the road for a distance of at least 30 feet.

(ii) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by: 1) an express grant or reservation of an easement in a document recorded with the County Recorder, 2) a decree or judgment issued by a court of competent jurisdiction, 3) an order of the Board establishing a statutory way of necessity or gateway road, or 4) an express easement set forth in an approved and recorded subdivision or partition.

(iii) The road provides actual physical access to the lots or parcels.

(b) County Roads, Local Access-Public Roads, and Private Access Easements used as access to lots or parcels shall be designed and developed according to the requirements of LC Chapter 15.

(c) For the portion of a panhandle tract used as access to the main portion of the tract, the County may require such road improvements and design as are necessary to provide safe and adequate access to the main portion of the tract.

(6) Control Strip. The County may require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons.

(a) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

(b) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.

(c) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer. The proportional road construction costs must be computed by a licensed engineer and approved by the Department of Public Works. The agreement must be recorded and will not be valid after a period of 10 years.

(d) To prevent access to land unsuitable for development.

(e) To prevent or limit access to roads classified as arterials and collectors.

(7) Utility and Watercourse Easements.

(a) Utility Easements. The dedication of easements for the placement of overhead or underground utilities, including, but not limited to, electric power, communication facilities, sewer lines, water lines and gas lines shall be required where necessary. Such easements shall be clearly labeled for their intended purpose on all plats and may be located along or centered on parcel or lot lines or elsewhere as determined necessary by the County to provide needed facilities for the present or future development of the area.

(b) Watercourses. When a partition or subdivision is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a storm water or drainage easement conforming substantially with the lines of the watercourse,

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and of such design and development as may be deemed necessary to accommodate reasonable anticipated future development within the drainage area.

(8) Pedestrian and Bicycle Ways. When necessary for public convenience, safety, or as may be designated on an adopted master bike plan, the County may require that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of LC Chapter 15, Roads. Pedestrian and bicycle ways shall be not less than six feet in width and be paved with asphaltic concrete or portland cement concrete.

(9) Dangerous Areas. Any area determined by the Director to be dangerous for road or building development by reasons of geological conditions, unstable sub-surface conditions, groundwater or seepage conditions, floodplain, inundation or erosion or any other dangerous condition shall not be divided or used for development except under special consideration and restriction. Special consideration and restriction shall consist of a detailed report by a professional engineer stating the nature and extent of the hazard and recommending means of protecting life and property from the potential hazard and/or the County shall impose limitations designed to minimize the known danger on development commensurate with the degree of hazard. Areas of erosion or potential erosion shall be protected from loss of soil and vegetative cover by appropriate means which are compatible with the environmental character, such as restricting grading or building or constructing erosion control devices. Areas of flood plain, water areas and wetlands shall be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow and natural functions. Structures will be required to maintain a flood elevation consistent with LC ~~11.500~~**10.271** (Flood Hazard Area) and LC 16.244. Areas of unstable surface or subsurface conditions shall be protected from movement by appropriate means which are compatible with environmental character, such as restricting grading or building or constructing suitable structures. Areas which are located within a designated floodway, unless a permit pursuant to LC ~~11.525~~**10.271** and LC 16.244 has been granted, shall be restricted from any building development or the installation of any permanent structure. The County may require that special development recommendations and/or restrictions as to location of building or other development be made a matter of public record when it is deemed necessary to ensure proper disposition of the dangerous area. If the restrictions are considered permanent, they shall be shown on the plat, and if temporary in nature, shall be recorded by separate document by the partitioner or subdivider prior to the recording of the plat.

(10) Grading, Excavation and Clearing. Grading and clearing of any portion of a division by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose. Grading, clearing and excavation shall comply with the applicable property development standards and site development requirements of LC Chapters 10 and 16.

(11) Land for Public Purpose. When a public agency has demonstrated through a capital improvement program that it has definite plans to acquire a specified portion of a proposed division for a needed public use, and there is reasonable assurance demonstrating that steps will be taken within 90 days of preliminary approval to acquire the

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land, then the County may require that those portions of the division be reserved for public acquisition for a period not exceeding 90 days from the date of preliminary approval.

(12) Sewerage Facilities. Lots and parcels for which the applicable zoning districts permit residences or for which residences are contemplated, shall be served by either an approved public or community sewerage facility or be suitable for an approved individual sewage disposal facility. Methods of sewage disposal shall be in accordance with and subject to the applicable provisions of ORS; appropriate rules, regulations and policies promulgated under authority of ORS, and all appropriate County ordinances and policies. The establishment of rural sewerage facilities must be consistent with RCP Goal 2 Policy #24 and RCP Goal 11 policies.

(a) Public or Community Sewerage Facilities.

(i) When lots or parcels are located within a reasonable distance of an existing satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be sewered by said system, the lots or parcels shall connect to the system. Should the existing facilities be unable to service the lots or parcels, individual sewage disposal systems may be considered as an interim measure if soil and other conditions are suitable for their use. If conditions pertaining to the ability of the public or community sewerage facility allow connection at a later date, connection will be required under the following circumstances: a public health hazard exists as defined by OAR Chapter 340-71-130(3), if the reason for not connecting to the public or community system were because of insufficient capacity of the public or community sewerage facility and these conditions cease to exist or if the reason for not connecting to the public or community system is based on engineering considerations such as pumping requirements and gravity sewers become available.

(ii) When a new public or community sewerage system is proposed for the division, there shall be submitted for approval a master plan for the sewage collection and disposal system to Lane County and the State Department of Environmental Quality. The master plan shall include at least the following: a conceptual plan for sewage collection, treatment and disposal facilities, including preliminary design of sewer lines, treatment units and final disposal, a conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS, Chapters 450 or 451 or a preliminary economic feasibility report.

(iii) If the lots or parcels are located within an area with an adopted detailed master sewage plan showing the location and depth of community sewers and proposed construction schedule which will eventually serve the lots or parcels, then the applicant shall provide detailed plans, schedule, a cost estimate prepared by a registered professional engineer and a bond to cover these estimated costs. The subject Plan and cost estimate shall have been approved by the Oregon Department of Environmental Quality and Lane County. Individual sewage facilities will be allowed on an interim basis until the system is connected to the community system as approved by the above plan and schedule.

(b) Individual Sewage Facilities. When lots or parcels are to be served by individual sewage disposal systems, there shall be furnished reasonable proof that each proposed parcel or lot can accommodate an individual sewage disposal system and at least one acceptable replacement area which meets the criteria established by OAR Chapters 340-71-005 to -45. If the individual sewage disposal system and replacement area are to be located partially or wholly off of the lot or parcel for which the system and

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replacement area are designed to serve, then a variance must first be applied for and may be approved if in compliance with the variance section of this chapter.

(13) Water Supply. Lots and parcels shall be served by an approved public, community or individual water system. No construction or development work on proposed lots or parcels shall be started until information pertaining to water availability and quality is submitted to and approved by the Department. Water system shall be in accordance with and subject to applicable provisions of ORS, as well as all appropriate rules, regulations and policies promulgated under authority of these statutes, Lane Code and Manual. The establishment of rural water systems shall be consistent with RCP Goal 2 policy #24 and RCP Goal 11 policies.

(a) Public or Community Water System. The County may require that a new community or public water system be developed to serve lots or parcels when no existing public or community water system is available or suitable for use by the lots or parcels, and individual water systems are not feasible due to the density of the lots or parcels and/or the possibility of problems concerning the long-term availability of adequate quantities of suitable water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below shall be required.

(b) Individual Water Systems. When lots or parcels are to be served by individual water systems, sufficient evidence shall be submitted to show that each parcel or lot will have available at time of development an adequate supply of potable water which will meet minimum County standards for drinking water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below may be required.

(c) Aquifer and Quality Tests or Geological Evaluation. Aquifer and quality tests or geological evaluation may be required by Lane County for any lot or parcel. These requirements may include, but need not be limited to, evaluation of existing well logs and preparation of a geological report on the area, an evaluation of the site by a professional geologist or engineering geologist or full scale aquifer tests as required. In determining the detail of analysis required, the following apply:

(i) Areas designated by Board order as having problems in the quantity or quality of available water as adopted, documented in Lane Manual and filed in the office of the Department shall meet the following requirements for all parcels less than 20 acres in size. The applicant must affirmatively demonstrate, in a manner acceptable to Lane County, that the proposed subdivision/partition is capable of sustaining the development anticipated with sufficient potable water. This demonstration must include, but need not be limited to, aquifer tests. More specifically, the aquifer test shall show coefficient of transmissivity, permeability, storage and the specific yield. The bacteriology/chemical tests shall show compliance with standards set by the Oregon State Health Division and Lane County. The test procedure shall utilize standard acceptable practices for aquifer tests using pumped and observation wells and records of static water level, date, clock, elapsed time (in min.), depth of water, drawdown and recovery. Analysis using the non-equilibrium method (or other methods where appropriate) must be performed by a licensed geologist or engineer. A copy of all field notes and test results shall be submitted with the report, together with summary statements which indicate whether the proposed use of the aquifer could adversely impact the neighboring wells or properties or deplete the aquifer and the general impact of the proposed use.

(d) For all areas not designated as problem areas by the procedures documented in LC 13.050(13)(a) above, a pump test report or a well log report shall be supplied, unless determined by Lane County to be not necessary. Pump test and well log reports shall be prepared according to the following criteria:

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(i) Pump Test. The test shall be a minimum five-hour pumping duration and record the following information: static water level, pumping level, drawdown, recovery, residual drawdown, well yield (pumping rate) and specific capacity. Measurements shall be made before pumping begins, during the pumping phase and during the recovery phase as necessary.

(ii) Well log reports shall include tax map showing the subject property and surrounding area, all well logs of record from adjacent and surrounding properties and the location of the wells on the tax lot map.

(14) Additional Cluster Subdivision Requirements.

(a) The land in a cluster subdivision not platted as a building lot shall be secured and maintained as private open space and recreation area by covenant or association prepared by the applicant and approved by Director or County Counsel. Said approved covenant shall be recorded with and referenced on the cluster subdivision plat.

(b) The largest lot in a cluster subdivision, if platted as a mobile home or dwelling lot, shall be restricted from further development, unless future zoning and/or changes in the comprehensive plan increase the density allowed for the overall cluster subdivision. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat.

(c) The type and number of living units intended for each cluster subdivision lot shall be specified in the covenants, and each lot shall be restricted from an increase in the number of living units, unless the future zoning and/or changes in the comprehensive plan increase the density allowed for the overall subdivision and unless new cluster subdivision plans are submitted and approved. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 1-90, 2.7.90; 3-90, 3.14.90; 1-91, 6.14.91; 10-04, 6.4.04)*

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16.005 Use of a Development.

(1) A Development May Be Used Only For a Lawful Use. A lawful use is a use that is not prohibited by law or which is nonconforming pursuant to LC 16.251 below of this chapter.

(2) Grading, Excavation and Clearing. Grading and clearing by mechanical equipment for either road and/or development purposes may be restricted or regulated by the Approval Authority either at the time of approval of a development permit or of an application if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose.

(3) Conditions. The following conditions may be imposed at the time of approval of a development for which a permit or application is required and for which a finding has been made as required in LC 16.005(2) above in order to ensure site and area stability:

(a) Maintain vegetation and eliminate widespread destruction of vegetation.

(b) Carefully design new roads and buildings with respect to:

(i) Placement of roads and structures on the surface topography.

(ii) Surface drainage on and around the site.

(iii) Drainage from buildings and road surfaces.

(iv) Placement of septic tank disposal fields.

(c) Careful construction of roads and buildings:

(i) Avoid cutting toeslopes of slump blocks.

(ii) Careful grading around the site, especially avoiding oversteepened cut banks.

(iii) Revegetating disturbed areas as soon as possible.

(d) Certification by a geologist or engineer that the above conditions have been complied with and/or that a hazard does not exist.

(4) Sensitive Bird Habitat Protection Standards and Criteria. All uses or activities permitted or conditionally permitted within the zones identified in LC 16.005(4)(a) below shall be subject to the additional procedures and requirements in LC 16.005(4)(b)-(g) below, provided such uses are located on property identified as a sensitive bird habitat area via Rural Comprehensive Plan Flora and Fauna Policy 18 and LM 11.400.

(a) Applicable Zones.

Zone Classification	Abbreviation	Section No.
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML-RCP	16.214
Park and Recreation	PR-RCP	16.215
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products		
Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220

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Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Clear Lake Watershed Protection	CLWP-RCP	16.258

(b) Development Plan Submittal. The person proposing the development shall submit plans to the Department which sufficiently identify the location, nature and scope of the proposed use or activity.

(c) Referral. Upon receipt of the plans identified in LC 16.005(4)(b) above, the Department shall refer a copy of the plans to the Oregon Department of Fish and Wildlife (ODFW).

(d) ODFW Review. Upon receipt of the plans identified in LC 16.005(4)(b) above, the ODFW shall review the proposed use of activity and make a determination of whether or not the use or activity would affect a sensitive bird habitat. In making this review and determination, the ODFW shall consult with the affected landowner(s) and appropriate state agencies, and shall address the standards in LC 16.005(4)(d)(i) and (ii) below. The basis for the determination shall be stated in writing, completed within seven working days of receipt, and then submitted to the Department (Lane County).

(i) A sensitive bird habitat will be considered affected by a use or activity if the use or activity is located within 660 feet of an eagle or osprey site or within 300 feet of a heron rookery or pigeon mineral spring.

(ii) A sensitive bird habitat may also be considered affected by a use or activity if the use or activity is located a greater distance than specified in LC 16.005(4)(d)(i) above, considering unique conditions of topography or the individual habits of the bird(s).

(e) No Affects Determined. If the ODFW determines that the sensitive habitat area will not be affected, then the ODFW will give the Department written notice of its determination, and Lane County may proceed with authorization of the use or activity, or with the processing of any other required applications.

(f) Affects Determined and Protection Plan. If the ODFW determines that the sensitive habitat area will be affected, the ODFW shall work with the affected landowner(s) in the development of a site specific habitat protection plan. The plan shall consider the proposed use or activity and its interrelationship to and affects upon nesting trees, perch trees, critical nesting period roosting sites and/or buffers for wind, vision and noise. The plan must contain a statement of reasons, supported by facts, explaining why the sensitive bird habitat would not be adversely affected by the proposed use or activity. The plan shall then be submitted to the Department.

(g) Director Approval. The proposed uses or activities identified in the habitat protection plan shall be reviewed by the Director pursuant to LC 14.100 and shall be allowed if in conformance with the following approval criteria:

(i) The proposed use or activity would not adversely impact a sensitive wildlife habitat.

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(ii) Conditions placed upon the approval of the habitat protection plan would avoid or eliminate any adverse impacts upon a sensitive wildlife habitat. Conditions may include setbacks, limitations upon the time period for the operation of the use or activity and/or prohibition of conflicting uses.

(h) LC 16.005(4)(a)-(g) do not apply to the protection of sensitive bird habitat from forest practices as regulated by the Forest Practices Act and as regulated by the COOPERATIVE AGREEMENT BETWEEN OREGON STATE BOARD OF FORESTRY AND OREGON STATE FISH AND WILDLIFE COMMISSION as adopted by Lane County in Rural Comprehensive Plan Goal 5 Flora and Fauna Policy 17.

(5) Scenic Byway/Tour Route Off-Premise Sign Requirements. New or relocated off-premise signs shall not be allowed on any property adjacent to or within 660 feet of any designated state scenic byway or tour route recognized by the Board and listed in LC 16.005(5), below. "Off-Premise Sign" means a sign designed, intended or used to advertise, inform or attract the attention to the public as to: goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located; facilities not located on the premises on which the sign is located; or activities not conducted on the premises on which the sign is located.

(a) The South Lane Tour Route as specifically identified in Ordinance No. 10-99. *(Revised by Ordinance No. 7-87, Effective 6.17.87, 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 10-99, 1.15.00)*

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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)(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

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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 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

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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 **and contiguous means adjacent or touching**. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 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

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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:

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

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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~~ more than 500 feet. Turnarounds shall comply with these design and construction standards:

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

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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 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;

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(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(1)(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

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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

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for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

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

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

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

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10)*

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**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)(c)(i) and (ii) above and the following soils:

(aa) Subclassification 111e, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and

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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

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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 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.

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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)(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

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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 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;

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(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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(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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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 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;

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(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

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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.

(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;

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(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

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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

(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;

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(A) The building permits, if required, have been issued and construction has begun or been completed for the building and animal waste facilities required for a commercial dairy farm; and

(B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230, and a producer license for the sale of dairy products under ORS 621.072.

(v) Lane County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to LC 16.212(6)(d) above. If it is determined that an accessory farm dwelling satisfies the requirements of a dwelling customarily provided in conjunction with farm use pursuant to LC 16.212(6)(a) above, a parcel may be created consistent with the minimum parcel size requirements in LC 16.212(9) below;

(vi) An accessory farm dwelling approved pursuant to LC 16.212(6)(b) above cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LC 16.212(6)(c) or (d) below; and

(vii) LC 16.212(10)(h) and (i) below.

(c) For land located on the east side of the summit of the Coastal Range, a single family dwelling not provided in conjunction with farm use is allowed subject to compliance with the following requirements:

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

(ii) The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;

(iii) The dwelling will be sited on a lot or parcel created before January 1, 1993. See the definition of "Date of Creation and Existence" in LC 16.212(2)(b) above;

(iv) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the accumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the following requirements shall be met:

(aa) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or urban or non-resource uses shall not be included in the study area;

(bb) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under LC 16.212(6)(c) above and under LC 16.212(7)(f) and (g) below, including the identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be created for

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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;

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(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;

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(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;

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(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

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(bb) A lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is:

(A) Limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed in the Lane County deed records and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to LC 16.212(7)(e) above; or

(B) 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;

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(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

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(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;

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(v) The dwelling will be occupied by a person or persons who produced the commodities which gross the income in LC 16.212(7)(i)(iii)(aa) above; and
 (vi) LC 16.212(10)(h) and (i) below.

(8) Farm Operations.

(a) A farm operation is all agricultural activities occurring under a single management. For purposes of this section, it is immaterial whether the activities occur on a single parcel of land, on contiguous parcels of land or on separate parcels of land. It is also immaterial if the operator has less than fee interest in the land on which the agricultural activity occurs.

(b) Farm operations shall be classified into one of the groups set forth in LC 16.212(8)(d) below. In the event a farm operation consists of agricultural activities described by more than one group, the activity that accounts for more than half of the gross revenue of the farm operation shall determine the group classifications.

(c) Farm operations of a size equal to or greater than the size shown for its respective group in LC 16.212(8)(d) below shall be deemed as contributing in a substantial way to the agricultural economy of the County.

(d) <u>Farm Group</u>	<u>Size</u>
Cash grains.....	120 acres
Field crops (includes grass seed production).....	160 acres
Tree fruit and nuts.....	40 acres
Horticultural specialties.....	20 acres
General farm, primarily crop.....	320 acres
Extensive animal grazing.....	120 acres
Intensive animal husbandry.....	40 acres
Dairy farm.....	240 acres
General farm, primarily livestock.....	80 acres
Berries and grapes.....	20 acres
Vegetables and melons.....	120 acres

(9) Area. Land within the Exclusive Farm Use District shall be designated as E-25, E-30, E-40 or E-60, consistently with Agricultural Lands Policy #10 of the Lane County Rural Comprehensive Plan. The creation of a lot or parcel shall comply with the requirements in LC Chapter 13 for the submittal and approval of tentative plans and plats and with LC 16.212(9)(a) through (l) below.

(a) Except as provided in LC 16.212(9)(b), (c) and (d) below, the minimum area shall be:

E-25.....	25 acres
E-30.....	30 acres
E-40.....	40 acres
E-60.....	60 acres

(b) A division of land may be allowed down to 20 acres for horticultural specialties, berries and grapes. A farm management plan including the factors identified below shall address and establish the suitability of the land for the intended use:

- Land preparation.
- Ripping and plowing.
- Fencing.
- Surveying.
- Crop cultivation.
- Irrigation.
- Herbicide; fungicide and/or fertilizer application.

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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:

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(i) The property owner must submit to the Director two completed applications, one application for preliminary partition approval and another application for approval of the dwellings not in conjunction with farm use;

(ii) The parcels for the non-farm dwellings are divided from a lot or parcel that 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).

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(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:

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(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.

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(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;

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

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

(11) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, OAR 660-033 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 10-95, 10.17.95; 4-02, 4.10.02; 5-02, 8.28.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10)*

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**PAGES 16-186 THROUGH 16-210
ARE RESERVED FOR FUTURE EXPANSION**

**SIGNIFICANT NATURAL SHORELANDS COMBINING ZONE (/SN-RCP)
RURAL COMPREHENSIVE PLAN**

16.237 Significant Natural Shorelands Combining Zone (/SN-RCP).

(1) Purpose. The Significant Natural Shorelands Combining Zone /SN-RCP is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing a combination of unique physical, social or biological characteristics requiring protection from intensive human disturbances. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /SN-RCP Zone is applied to prominent aesthetic features, such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas.

The /SN-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN-RCP Zone that require protection beyond that provided by the zone or zones with which the /SN-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /SN-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /SN-RCP Zone is combined. Where the requirements of the /SN-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

(3) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(10) below, the following structures and uses and no others are permitted as hereinafter specifically provided for by this section, subject to the general provisions exceptions set forth in this section. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat". These areas will be specially evaluated prior to approval of timber harvest plans to ensure the habitat has been adequately considered.

(a) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the zone or zones with which the /SN-RCP Zone is combined.

(b) Low-intensity grazing.

(c) Harvesting of wild crops.

(d) Low-intensity recreation.

(e) Shore-secured floating moorage facilities in adjacent water areas.

(f) Dredged material disposal when the /SN-RCP Zone is used in conjunction with the /DMS-RCP Zone.

(g) Mooring buoys, multipurpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuary Zone (DE-RCP).

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(11) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria and determination that the use is consistent with protection of natural values specified in the Coastal Resources Management Plan.

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(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(b) (i) Uses. Single-family dwelling units and mobile homes as allowed in the zone or zones with which the /SN-RCP Zone is combined where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237(6), (7) and (8) below.

(ii) Criteria and Conditions.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

(dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(ff) All otherwise applicable requirements of this section are met.

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in the estuary:

(aa) Public or commercial piling-type docks or piers.

(bb) Private, multifamily or multi-use piling-type docks or piers.

(cc) Mooring buoys which are permanently anchored to the estuary floor.

(dd) Dolphins.

(ii) Criteria.

(aa) The moorage facility is located within a Conservation Estuary Zone (CE-RCP).

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /SN-RCP Zone is combined.

(cc) The use meets all criteria and conditions of the appropriate estuary zone.

(d) (i) Uses. All buildings and uses allowed as permitted uses, **special uses or conditional uses** in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the **development, setback and area** requirements of this section, except as expressly prohibited by LC 16.237(5) below.

(ii) Criteria.

(aa) **All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.**

(aabb) The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Rural Comprehensive Plan.

(bbcc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. **The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.**

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(eadd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.

(e) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) The stabilization is necessary to protect structures existing on or before October 7, 1977.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

~~(f) (i) Uses. All buildings and uses permitted conditionally or by special use permit in the respective zone or zones with which the /SN-RCP Zone is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 16.237(5) below.~~

~~(ii) Criteria and Conditions:~~

~~(aa) All applicable criteria provided within the respective zone with which the /SN-RCP Zone is combined are met.~~

~~(bb) The use will not adversely affect the aesthetic and biological characteristics of the site as identified in the Rural Comprehensive Plan.~~

~~(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Department of Public Works, Land Management Division, shall be the proper consulting agency in this regard.~~

~~(dd) All requirements set forth in LC 16.237(6), (7) and (8) below are met.~~

(gf) (i) Uses. Single-family, single-purpose, piling-type docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling-type floating piers.

(bb) The dock or pier shall not be located within a Natural Estuary Zone (NE-RCP).

(cc) If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary zone.

(5) Prohibited Uses. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10) below, the following uses are specially prohibited:

(a) Fill in coastal lakes.

(b) Fill in freshwater marsh areas as identified in the Lane County Rural Comprehensive Plan.

(6) Site and Development Requirements. If found subject to the requirements of the /SN-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.237(10), the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

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(a) No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.

(b) To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

(c) Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in LC 16.237(6)(a) above. Where vegetation removal beyond that allowed in LC 16.237(6)(a) above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /SN-RCP Zone is combined.

(e) No topographic modification is permitted within the 100-foot setback area specified by LC 16.237(7) below.

(f) The shoreward half of the setback area specified by LC 16.237(7) below must be left in indigenous vegetation, except where un-surfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.237(7) below.

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.237(7) below.

(i) All mature trees must be retained within the setback area specified by LC 16.237(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 /SN-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 100 feet from coastal lakes and the estuary measured at right angles to the high waterline. Use of this 100 feet shall be as specified in LC 16.237(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 /SN. RCP Zone, based on the Preliminary

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Investigation in LC 16.237(10) below. These criteria are in addition to minimum area requirements of any zone combined with the /SN-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 quality, and not increase hazard to life or property.

(b) For lands not within urban or urbanizable areas or lands developed or committed to development:

(i) There is a lack of suitable shoreland areas within urban or urbanizable areas or within areas developed or committed to development.

(9) Additional Area Requirements. Land divisions meeting the above specified criteria are permitted, subject to the minimum area requirements of the respective zone or zones with which the /SN-RCP Zone is combined or 10 acres, whichever is greater.

(10) Preliminary Investigation. Any proposal for development within the /SN-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /SN-RCP Zone shall apply. The requirements of the /SN-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 floodway fringe.

(ii) Land lying between the mean high water and mean low watermark of the 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 would be inadequate to protect water quality, water temperature or shoreline 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:

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(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 16.237(10)(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.

(11) 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.

(12) 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 /SN-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.237(10) above.

(13) 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.

(14) 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.

(15) 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

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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.

(16) Application of Zone to Federal Lands. The application of the /SN-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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ARE RESERVED FOR FUTURE EXPANSION

**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, 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.

(d) ~~(i)~~ ~~(dd)~~ ~~(f)~~ Uses. All buildings and uses allowed as permitted uses, **special uses or conditional uses** 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, 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.

(de) (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.~~

(ef) (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.

(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, 6.5.91, 5-96, 11.29.96; 6-10, 9.18.10)*

**NATURAL RESOURCES CONSERVATION COMBINING ZONE (/NRC-RCP)
RURAL COMPREHENSIVE PLAN**

16.239 Natural Resources Conservation Combining Zone (/NRC-RCP).

(1) Purpose. The Natural Resources Conservation Zone (/NRC-RCP) is applied to those coastal area shorelands identified in inventory information as timber lands, agricultural lands or shorelands in dune areas. It is the purpose of the /NRC-RCP zone to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal waters.

The /NRC-RCP Zone is specifically designed to carry out the following purposes:

(a) Conservation and maintenance of renewable resources, primarily silvicultural and agricultural.

(b) Protection of such natural resources as soil and such natural systems as drainage courses and waterways.

(c) Enhancement of renewable resources such as the coastal fisheries and timber industries.

(d) Allow for recreation and public access to coastal waters.

The /NRC-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /NRC-RCP Zone which require protection beyond that provided by the zone or zones with which the /NRC-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /NRC-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /NRC-RCP Zone is combined. Where the requirements of the /NRC-RCP Zone conflict with the requirements of the zone or zones with which it is combined, the more restrictive requirements shall apply.

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(3) Permitted Uses. In areas found subject to the requirements of the /NRC-RCP Zone by the Preliminary Investigation specified by LC 16.239(8) 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 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 /NRC-RCP Zone is combined.

(b) Agricultural activities and general farming uses and structures as permitted by the zone or zones with which the /NRC-RCP Zone is combined.

(c) Dredged material disposal when the /NRC-RCP Zone is in conjunction with the /DMS-RCP Zone.

(d) Shore-secured floating moorage facilities in adjacent water areas.

(e) Public, commercial or private, multifamily, multi-use piling-docks and piers in adjacent lakes and in estuary zones, subject to the requirements of the respective estuary zones.

(f) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(g) Harvesting of wild crops.

(h) Low-intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family dwelling units and mobile homes and such accessory buildings as allowed in the underlying zone.

(ii) Criteria. All requirements set forth in LC 16.239(5), (6) and (7) below are met.

(b) (i) Uses. Single family dwelling units and mobile homes as allowed in the zone or zones with which the /NRC-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 16.239(5), (6) and (7) below.

(ii) Criteria.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of lot area.

(cc) All applicable height restrictions are observed.

(dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation criteria by LC 16.239(5) below is minimized.

(ff) All otherwise applicable requirements of this section are met.

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(c) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes or Development or Conservation Estuary Zones.

(ii) Criteria.

(aa) The applicant shall attest in writing that there are no viable alternatives to the construction of a private, single-family structure. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zones are met.

(d) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.239(5)(d) below.

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(e) (i) Uses. All permitted buildings and uses, special uses or conditional uses allowed in the respective zone with which the /NRC-RCP Zone is combined, subject to the development, setback and area requirements of this section, except where expressly prohibited by this section.

(ii) Criteria.

(aa) All applicable criteria provided with the respective zone with which the /NRC-RCP Zone is combined are met.

(aabb) All requirements set forth in LC 16.239(5), (6) and (7) below are met.

(bbcc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

(eedd) The use will not adversely affect the resource use of adjacent timber or agricultural lands.

(f) (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, or to protect public or private roads, bridges or railroads.

(bb) Natural bank stabilization methods are unfeasible.

(g) (i) Uses. Fills in coastal lakes adjacent to the /NRC-RCP Zone.

(ii) Criteria and Conditions.

(aa) The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

(bb) Cumulative and direct impacts on water quality must be minimized.

(cc) The benefits of the proposed fill to long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality.

~~(h) (i) Uses. All buildings and uses allowed conditionally or by special use permit in the respective zone or zones with which the /NRC-RCP Zone is combined, except where expressly prohibited by this section.~~

~~(ii) Criteria.~~

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~~(aa) All applicable criteria provided with the respective zone with which the /NRC-RCP Zone is combined are met.~~
~~(bb) The use will not adversely affect the resource use of adjacent designated timber and agricultural lands.~~
~~(cc) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.~~
~~(dd) All requirements set forth in LC 16.239(5), (6) and (7) below are met.~~

(5) Site and Development Requirements. If found subject to the requirement of the /NRC-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.239(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /NRC-RCP is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /NRC-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, septic requirements and fire safety requirements.

(b) In all cases, vegetative cover shall be retained on lands within the shoreland area. Construction activities shall occur in such a manner as to avoid unnecessary excavation and removal of indigenous vegetation, unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.

(c) Thirty feet of indigenous riparian vegetation shall be retained along all coastal water bodies. This shall be measured at right angles from the mean high waterline of the coastal water body.

(d) Existing trees must be retained with an area 50 feet in width measured at right angles from the mean high waterline of the coastal water body.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.239(6) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.239(6) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /NRC-RCP Zone is combined.

(h) 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.

(6) Additional Setback Requirements. Setbacks shall be as required in the zone or zones with which the /NRC-RCP Zone is combined, except for the additional below-specified setback requirements.

(a) Structures shall be set back 50 feet from the coastal lakes measured at right angles to the high waterline. Use of this 50 feet shall be as specified in LC 16.239(5)(c)-(f) 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

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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.

(7) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /NRC-RCP Zone, based on the Preliminary Investigation in LC 16.239(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /NRC-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: 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.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, 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 locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /NRC-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /NRC-RCP Zone shall apply. The requirements of the /NRC-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 watermark of coastal water bodies.

(iii) Dikes, dam, 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 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 shoreline 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:

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(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 16.239(8)(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.

(9) 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.

(10) 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 /NRC-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.239(8) above.

(11) 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.

(12) 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.

(13) 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) Where applications for development are received for lands zoned for timber production, said applications shall be referred to the District Forester of the Oregon Department of Forestry. The District Forester shall have a 14-day "review and

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comment" period to evaluate the impact of the proposed development on the timber productivity of the parcel and adjacent lands.

(e) Improvements to ocean shore areas (as defined in ORS 390.065) are subject to a permit from the Oregon Department of Transportation.

(14) Application of Zone to Federal Lands. The application of the /NRC-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)*

**RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD-
RCP)
RURAL COMPREHENSIVE PLAN**

16.240 Residential Development Shorelands Combining Zone (/RD-RCP).

(1) Purpose. The Residential Development Combining Zone (/RD-RCP) is applied to coastal shorelands areas suited to residential development within urbanizable areas and to lands outside of urbanizable areas which have been committed to residential use by their development pattern, including actual development and the platting of subdivision lots. Within these areas, the /RD-RCP Zone is designed to ensure:

- (a) Development in a manner that will protect water quality.
- (b) Preservation and enhancement of riparian vegetation.
- (c) Provision of recreational use of shorelands.
- (d) Diversification of shorelands uses. The /RD-RCP Zone provides a

procedure by which to define the exact geographical boundaries of the shorelands within the /RD-RCP Zone that require protection beyond that provided by the zone or zones with which the /RD-RCP Zone is combined and imposes additional development requirements within these boundaries.

(2) Intent. The requirements imposed by the /RD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /RD-RCP Zone is combined. Where the requirements of the /RD-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 /RD-RCP Zone by the Preliminary Investigation specified by LC 16.240(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:

- (a) Shore-secured floating moorage facilities in adjacent estuaries and lakes.
- (b) Private multifamily, multi-use type docks and piers in adjacent lakes and estuarine areas, if permitted by the respective estuary zone.
- (c) Dredged material disposal when the /RD-RCP Zone is used in conjunction with the /DMS-RCP Zone.
- (d) Commercial or public docks and piers; provided such uses conform to the purposes of the zone or zones with which the /RD-RCP Zone is combined and provided such uses conform to the requirements of the respective estuary zone.

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(e) Boat launching ramps, except where adjacent to a Natural Estuary Zone (NE-RCP).

(f) Harvesting of wild crops.

(g) Low intensity recreational activities.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the following specified uses and no others are permitted, subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones.

(ii) Criteria. All requirements set forth in LC 16.240(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 /RD-RCP Zone is combined, but where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.240(6), (7) and (8) below.

(ii) Criteria and Conditions.

(aa) The said parcel existed prior to July 24, 1980.

(bb) The structures shall not occupy more than 30 percent of the lot area.

(cc) All applicable height restrictions are observed.

(dd) The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

(ee) Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

(ff) All otherwise applicable requirements of this section are met.

(c) (i) Uses. All buildings and uses allowed –as permitted uses–, **special uses or conditional uses** in the respective zone or zones with which the /RD-RCP Zone is combined, subject to the **development, setback and area** requirements of this section, except as expressly prohibited by LC 16.240(5) below.

(ii) Criteria.

(aa) **All applicable criteria provided within the respective zone or zones with which the /RD-RCP Zone is combined are met.**

(aabb) Surface, subsurface and aquifer waters are protected from pollution and sedimentation. The Lane County Water Pollution Control Division shall be the proper consulting agency in this regard.

(bbcc) All requirements set forth in LC 16.240(6), (7) and (8) below are met.

(d) (i) Uses. Single-family, single-purpose docks and piers in adjacent coastal lakes and estuary. (No piling-type piers are permitted in the Natural Estuary Zone (NE-RCP)).

(ii) Criteria.

(aa) The applicant shall attest in writing, subject to confirmation by the Planning Director, that there are no viable alternatives to the construction of a private, single-family pier or dock structure. Alternatives include

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dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.

(bb) The size of the structure is limited to that required for the intended use.

(cc) All requirements of the respective estuary zone are met.

(e) (i) Uses. Removal of individual hazardous trees within the required 50-foot strip of shore-front vegetation specified by LC 16.240(6).

(ii) Criteria. It can be clearly determined that the trees are a hazard to life or existing property.

(f) (i) Uses. Artificial bank stabilization adjacent to estuaries and lakes.

(ii) Criteria.

(aa) Natural erosion processes threatening a water-dependent use(s) or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are unfeasible or less appropriate.

~~(g) (i) Uses. All buildings and uses permitted conditionally or by special use permit in the respective zone or zones with which the /RD-RCP Zone is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 16.240(5) below.~~

~~(ii) Criteria.~~

~~(aa) All applicable criteria provided within the respective zone or zones with which the /RD-RCP Zone is combined are met.~~

~~(bb) Surface, subsurface and aquifer waters are protected from pollution and sedimentation.~~

~~(cc) All requirements set forth in LC 16.240(6), (7) and (8) below are met.~~

(5) Prohibited Uses. The following uses or activities are expressly prohibited in the /RD-RCP Zone: Fills in coastal lakes adjacent to the /RD-RCP Zone.

(6) Site and Development Requirements. If found subject to the requirements of the /RD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.240(9) below, the below specified development requirements shall be in addition to those provided by the respective zone or zones with which the /RD-RCP Zone is combined. These requirements shall not apply to timber harvest activities where the underlying zone allows timber harvesting as a permitted use. In such areas, timber harvesting activities shall conform to Oregon Forest Practices Act rules.

(a) Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the structures, necessary access, septic requirements and fire safety requirements.

(b) In all cases vegetative cover shall be retained on lands within the shoreland area. Construction activities shall occur in such a manner as to avoid unnecessary excavation and removal of indigenous vegetation, unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.

(c) Within the setback area specified under LC 16.240(7) below, all indigenous riparian vegetation, except that removed to provide paths to the water body, shall be retained within an area 30 feet in width measured at right angles from the mean

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high waterline of the water body. For the remainder of the required setback area, brush may be removed, but trees shall be retained.

(d) Where riparian vegetation does not exist along the shoreline of the estuary or coastal lakes, an area 30 feet in width, measured at right angles to the shoreline, shall be planted in indigenous vegetation or other vegetation which will aid in bank stabilization and prevent sedimentation of the water body. Areas necessary for access to the water body are exempted from this requirement. Continued maintenance of this vegetation shall be the responsibility of the landowner.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.240(7) below.

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.240(7) below.

(g) The requirements for parking and vision clearance shall be as provided by the respective zone or zones with which the /RD-RCP Zone is combined.

(h) 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 /RD-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 16.240(6)(c)-(f) 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 /RD-RCP Zone, based on the Preliminary Investigation in LC 16.240(9) below. These criteria are in addition to minimum area requirements of any zone combined with the /RD-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: 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.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, 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 locations within urban or urbanizable areas or within areas developed or committed to development.

(9) Preliminary Investigation. Any proposal for development within the /RD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /RD-RCP Zone shall apply. The requirements of the /RD-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the criteria specified below apply.

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(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 watermark 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 shoreline 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 16.240(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.

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(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 /RD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.240(9) above.

(12) Appeal to the 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) 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 /RD-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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**SHORELANDS MIXED DEVELOPMENT COMBINING ZONE (/MD-RCP)
RURAL COMPREHENSIVE PLAN**

16.241 Shorelands Mixed Development Combining Zone (/MD-RCP).

(1) Purpose. The Shorelands Mixed Development Combining Zone (/MD-RCP) is applied to those coastal shorelands which are recognized in the Lane County Rural Comprehensive Plan and supportive technical data as being all or partially committed to commercial and industrial uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that they be preserved for the expansion of existing water dependent and water related commercial or industrial uses; provided such uses cannot be accommodated within the urbanizable or urbanized area of the City of Florence.

The /MD-RCP Zone provides a procedure by which to define the exact geographical boundaries of the shorelands within the /MD-RCP Zone that require protection beyond that provided by the zone or zones with which the /MD-RCP Zone is combined, and imposes additional development requirements within those boundaries.

In addition, the /MD-RCP Zone is specifically intended to carry out the following purposes:

- (a) Provision, adjacent to deep water environments or shoreland sites for use by water dependent and water related commercial and industrial uses.
- (b) Protection of previously existing water dependent and water related commercial and industrial sites in shoreland areas.
- (c) Provision of opportunities for non-water dependent or non-water related uses within the parameters of the Lane County Rural Comprehensive Plan and Statewide Planning requirements.
- (d) Protection of coastal waters and avoidance of geologic and hydrologic hazards.

(2) Intent. The requirements imposed by the /MD-RCP Zone shall be in addition to those imposed by the respective zone or zones with which the /MD-RCP Zone is combined. Where the requirement of the /MD-RCP Zone conflict with the requirement of the zone or zones with which it is combined, the more restrictive requirements shall apply. Non-water dependent or non-related uses shall only be allowed if the parcel in question has been demonstrated unsuited for water dependent or water related uses.

(3) Permitted Uses. In areas found subject to the requirements of the /MD-RCP Zone by the Preliminary Investigation specified by LC 16.241(8) 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:

- (a) The following boat moorage and storage facilities:
 - (i) Dry land storage.
 - (ii) Shore-secured floating moorage facilities, mooring buoys, piling-type piers and launch ramps; provided such facilities are located within adjacent Development Estuary Zones (DE-RCP) or a lake.
- (b) The three wood processing facilities identified and found to be water dependent in the Coastal Goals Compliance Report element of the Lane County Rural Comprehensive Plan.

(4) Special Uses Approved by the Planning Director. If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the following specified uses and no others are

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permitted subject to approval by the Planning Director pursuant to LC 14.100, upon satisfaction of the applicable criteria.

(a) (i) Uses. Water dependent and water related commercial and industrial uses outside of urban and urbanizable areas.

(ii) Conditions and Criteria.

(aa) Uses cannot be accommodated within an urban or urbanizable area.

(bb) The site has the potential for water dependent and water related uses.

(cc) Short-term economic gain or convenience in development shall be evaluated in relation to potential long-term effects on the estuary and shoreland, as well as the long-term economy of the area.

(dd) Visual attractiveness of design and layout is considered.

(ee) Maintain or encourage riparian vegetation for erosion control, bank stabilization, maintenance of water quality and temperature aesthetics where feasible.

(b) (i) Uses. New single-family dwelling units and mobile homes or other residential units and accessory buildings as allowed in the underlying zones outside of urban and urbanizable areas.

(ii) Criteria and Conditions.

(aa) The parcel is unsuited to water dependent or water related uses.

(bb) All requirements set forth in LC 16.241(6), (7) and (8) below are met.

(c) (i) Uses. The following moorage facilities attached or connected to the shorelands and located in other than a Development Estuary Zone (DE-RCP) or a lake.

(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 meets the requirements of the respective estuary zone.

(bb) The use is not in violation of the purposes of the respective zone or zones with which the /MD-RCP Zone is combined.

(d) (i) Uses. All ~~permitted~~ buildings and uses allowed as **permitted uses, special uses or conditional uses** in the respective zone with which the /MD-RCP Zone is combined, **subject to the development, setback and area requirements of this section**, except as may be provided otherwise by the provisions of LC 16.241(3), (4) and (5) above and below.

(ii) Criteria and Conditions. The use is water dependent or water related, or if the parcels are unsuited to water dependent uses, then uses which are non-dependent, non-related, conforming to the requirements of the underlying zone and the requirements of LC 16.241(3), (4) and (5) above and below.

(e) (i) Uses. Artificial bank stabilization.

(ii) Criteria.

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(aa) Natural erosion processes threatening a water dependent use(s), or threatening non-water-dependent or non-water-related uses where it has been demonstrated that the parcel is unsuited for water-dependent or water-related uses.

(bb) Natural bank stabilization methods are deemed unfeasible or less appropriate.

(f) (i) Uses. Filling coastal lakes or estuary adjacent to /MD-RCP Zone.

(ii) Criteria and Conditions.

(aa) Cumulative effects of all such fills shall be considered.

(bb) The fill is required to protect a water dependent use from erosion.

(cc) All requirements set forth in LC 16.241(6)(b) and (c) and LC 16.241(7) and (8) below apply.

(dd) If the fill meets the requirements of the respective estuary zone and the requirements of State and Federal agencies.

~~(g) (i) Uses. All buildings and uses permitted conditionally or by special use permit in the respective zone or zones with which the /MD-RCP Zone is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by LC 16.241(5) below.~~

~~(ii) Criteria. The use is water dependent or water related or, if the parcel(s) are unsuited to water dependent uses, then uses which are nondependent, non-related, conforming to the requirements of the underlying zone and the requirements of LC 16.241(3),(4) and (5) above and below.~~

(5) Determination of Land Suitable for Water Dependent/Water Related Uses.

The following criteria shall be used to determine the suitability of land found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation, for water dependent, water related uses. Land not possessing one or more of the following characteristics shall be considered unsuitable for such uses:

(a) Land adjacent to deep water close to shore with supporting land transport facilities suitable for ship and barge facilities.

(b) Aquaculture suitability.

(c) Protected areas adjacent to shore, subject to scour which would require little dredging for marina use.

(d) Potential for high intensity recreational use of water body and existing riparian resources. Such areas include those areas used traditionally for high intensity recreation or exceptional aesthetic resources.

(6) **Site and Development Requirements.** If found subject to the requirements of the /MD-RCP Zone, based on the results of the Preliminary Investigation specified by LC 16.241(8) below, the below-specified development requirements shall be in addition to those provided by the respective zone or zones with which the /MD-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 /MD-RCP Zone is combined, shall conform to Oregon Forest Practices Act rules.

(a) Riparian vegetation shall be maintained or encouraged to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water dependent or water related use.

(b) The applicant must submit a complete analysis of all physical and biological impacts upon the shorelands area and upon coastal waters and water resources.

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The report shall consider, at a minimum, the critical relationships which exist between coastal shorelands and coastal water resources and the potential for geological and hydrological hazards:

(c) The benefits of the proposed activity to the long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature and resources, bank stabilization, erosion control and general aesthetics.

(d) 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) Special Land Division Requirements. The following criteria shall be met for land divisions on property within the /MD-RCP Zone, based on the Preliminary Investigation in LC 16.241(8) below. These criteria are in addition to minimum area requirements of any zone combined with the /MD-RCP Zone.

(a) For lands within urban or urbanizable areas or lands developed or committed to development: 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.

(b) For lands outside urban or urbanizable areas or lands developed or committed to development, the above criterion, 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 locations within urban or urbanizable areas or within areas developed or committed to development.

(8) Preliminary Investigation. Any proposal for development within the /MD-RCP Zone shall require a Preliminary Investigation by the Planning Director to determine the specific area to which the requirements of the /MD-RCP Zone shall apply. The requirements of the /MD-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 floodway fringe.

(ii) Land lying between the mean high, high water and mean low watermark 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 shoreline stability.

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(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 16.241(8)(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.

(9) 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.

(10) 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 /MD-RCP Zone, and shall set forth the basis for the determination based on the criteria specified in LC 16.241(8) above.

(11) 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.

(12) Uses Subject to State and Federal Permits.

(a) When State or Federal permits, 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 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) Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the Oregon Department of Transportation.

(13) Application of Zone to Federal Lands. The application of the /MD-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; 5-96, 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 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 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

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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.

(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)*

**RURAL PUBLIC FACILITY ZONE (RPF, RCP)
RURAL COMPREHENSIVE PLAN**

16.294 Rural Public Facility Zone (RPF, RCP).

(1) Purpose. The purposes of the Rural Public Facility Zone (RPF, RCP) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed exception lands. LC 16.294 applies only to developed and committed exception lands;

(b) To provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual uses not normally associated with other zones;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan; and

(d) LC 16.294 is not retroactive. The Director has no authority to initiate compliance with LC 16.294 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.294(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 compliance with 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 16.294.

(b) The uses and development authorized by LC 16.294(3)(a) through (q), (s) and (t) 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 uses and development shall not change the number, size or location of existing public facility structures on the subject property and shall not extend the public facility uses and development beyond the area of the existing public facility uses and development. The area of the existing public facility uses and development shall include all existing structures and outside areas in public facility use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.294(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a public facility structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.294 was applied to the subject property and shall not be closer to a property line than the closest portion of existing public facility structures meeting the setbacks required by LC 16.294(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance with conditions. And, the Director shall determine if the addition to a public facility structure complies with this condition; or

(iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.294(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.294(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16 and is not illuminated.

(c) Public and semi public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground 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

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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 16.294(2)(c) above shall be maintained.

(d) Fish and wildlife habitat management.

(e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(f) 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.

(g) Uses and development accessory to existing uses and development allowed by LC 16.294(2)(a) through (f) above or (3)(a) through (v) below.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: submittal of a land use application pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) 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) Electric utilities such as: a generation plant, transmission facilities, right-of-ways, electricity regulating substations, and other facilities related to electricity generation and distribution.

(b) Gas utilities such as: gas pipeline right-of-way, gas storage and distribution and gas pressure control substations.

(c) Water utilities such as: water treatment plants, water storage, intake and outtake facilities, water pipeline right-of-way, and other facilities related to water treatment and storage.

(d) Sewage disposal including but not limited to: sewage treatment plants, sewage sludge drying beds and sewage pressure control stations.

(e) Solid waste disposal such as: refuse incineration, central garbage grinding stations, composting plants, sanitary landfills and refuse disposal.

(f) Educational facilities and services such as: nursery, primary and secondary education; colleges and professional schools; special training schools such as those for: vocations, trades, arts, music, dancing, driving, gymnastics and correspondence. Such uses must be located inside an unincorporated community.

(g) National Guard centers and meeting halls within one-half mile radius of Lane Community College.

(h) Religious activities such as: churches, synagogues, temples, and monastery or convent.

(i) Welfare and charitable services. Such uses must be located inside an unincorporated community.

(j) Professional membership organizations. Such uses must be located inside an unincorporated community.

(k) Labor unions and similar organizations. Such uses must be located inside an unincorporated community.

(l) Civic, social and fraternal associations. Such uses must be located inside an unincorporated community.

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(m) Business associations. Such uses must be located inside an unincorporated community.

(n) Sports assembly for lands owned and operated by public or private schools for primary, secondary or college education such as: stadiums or grandstands, foot race tracks, ball playing fields, and basketball, volleyball or tennis playing courts. Such uses must be located inside an unincorporated community or for schools that provide education primarily for rural residents living in the area.

(o) Governmental services, such as: post office, fire station and sheriff or police station. Such uses must be located inside an unincorporated community.

(p) Cemeteries.

(q) Health services such as: dental or medical offices or clinics, dental or medical laboratory, and convalescent and rest homes. Such uses must be located inside an unincorporated community.

(r) Communication facilities, such as: internet station and offices; radio station, studio and towers; and TV station, studio and towers.

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

(t) Heliport.

(u) Uses and development similar to uses and development permitted by LC16.294(3)(a) through (t) above if found by the Director to be clearly similar to the uses and development permitted by LC 16.294 (3)(a) through (t) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.294(1) above.

(ii) When compared with the uses and development permitted by LC 16.294(3)(a) through (t) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

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

and

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

(v) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing public facility use permitted by LC 16.294(2)(a) through (d) or (3)(a) through (u) above and located on the same lot or parcel as the existing public facility use;

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(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from portion of the same lot or parcel with the public facility use on it.

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

(4) Criteria. New uses or development allowed by LC 16.294(3)(a) through (u) above, except for telecommunications facilities allowed by LC 16.294(3)(s) above, shall comply with the criteria in LC 16.294(4) below. Telecommunications facilities allowed by LC 16.294(3)(s) 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 intend 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 and development 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 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.

(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 Development Standards. All uses and development permitted by LC 16.294(2) and (3) above shall comply with these development standards:

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(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) At least 10 feet from all other property lines except as required in LC 16.294(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 or sign 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 be limited to 200 square feet in area.

(iv) Signs shall not project above the height of the tallest structure on the property.

(v) Signs shall advertise uses and development that are permitted by LC 16.294(2)(a) through (g) or (3)(a) through (v) above and that are conducted on the same premises where the signs are located; 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, 5-04, 7.1.04)*

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**PRIVATE USE AIRPORT OVERLAY ZONE (/PUAO, RCP)
RURAL COMPREHENSIVE PLAN**

16.296 Private Use Airport Overlay Zone (PUAO, RCP)

(1) Purpose. The purpose of the Private Use Airport Overlay Zone is to recognize the locations of certain private use airports and heliports and to provide for their continued operation and vitality consistent with state law. It also provides for standards to promote air navigational safety at these airports, and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.

(2) Applicability. The Private Use Airport Overlay Zone consists of two elements: a private use airport operation district and a safety overlay zone.

(a) The private use airport operation district applies to private use airports and heliports in rural Lane County that were the base for three or more aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation. The boundaries of the private use airport operation district are delineated on the Official Private Use Airport Overlay Zone Map. The identified private use airports and heliports in Lane County include:

- (i) Crow-Mag Airport;
- (ii) Jasper Ridge Airport;
- (iii) Meadowview Heliport;
- (iv) Strauch Field Airport; and
- (v) Walker Airport.

(b) The safety overlay zone applies to those lands encompassed by the airport and heliport surfaces set forth and defined in LC 16.296(3), delineated in LC 16.296(8) and diagramed LC 16.296(13).

(c) If any airport or heliport to which this overlay zone has been applied is removed from the State's list of airports in a manner described in ORS 836.610, the county will no longer apply and enforce the safety overlay zone that corresponds to the removed airport or heliport.

(3) Definitions.

Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Elevation. The highest point of an airports' usable runway, measured in feet above mean sea level.

Airport Imaginary Surface. Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport or heliport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of a runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to the width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for one foot forward.

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Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Heliprot. An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

Heliprot Imaginary Surface. Airport imaginary surfaces as they apply to heliprot.

Heliprot Approach Surfaces. The approach surface beginning at each end of the heliprot primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliprot and 10 to 1 for military heliprot.

Heliprot Primary Surface. The area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliprot. This surface is a horizontal plane at the established heliprot elevation.

Heliprot Transitional Surfaces. Surfaces extending outward and upward from the lateral boundaries of the heliprot primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontal from the centerline of the primary and approach surfaces.

Obstruction. Any structure, or tree, plant or other object of natural growth that penetrates an imaginary surface.

Primary Surface. A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation on the nearest point on the runway centerline. The width of the primary surface is 200 feet.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. For the purposes of LC 16.296, "structures" means any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

(4) Existing Uses within the Private Use Airport Operation District. Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of January 1, 2008. The uses that existed during 1996 are specific to each airport and heliprot and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos. The determination is subject to submittal of an Airport Use Determination application pursuant to LC 14.050 and review and approval of the Airport Use Determination 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.

(5) Continued Operation of Existing Uses. Operation of the following uses may be continued within the airport operation district at their current levels as of ~~the effective date of this ordinance~~ February 1, 2008, upon determination that the use existed at the airport or heliprot at any time during 1996.

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- (a) Customary and usual aviation-related activities, including but not limited to take-offs and landings.
- (b) Aircraft hangers and tie-downs.
- (c) Ongoing maintenance of airport facilities.
- (d) Fixed based operator facilities.
- (e) One single family residence per airport for either: an airport caretaker, operator or security officer, but not a residence for each.
- (f) Other activities incidental to the normal operation of an airport. Except as provided elsewhere in Lane Code 16.296, "customary and usual aviation-related activities" do not include residential, commercial, or industrial uses provided for in other sections of Lane Code Chapter 16.
- (g) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- (h) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical labs, medical equipment sales, and other similar uses.
- (i) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- (j) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- (k) Flight instruction, including activities, facilities, and non-residential accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- (l) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personnel use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- (m) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- (n) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
- (o) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agriculture, forestry or rangeland management setting.

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(p) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.

(q) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft, aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving. Parachuting businesses may only be allowed where the business has approval to use a drop zone that is at least 10 contiguous acres in size. A larger drop zone may be required where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(6) Expansion of Existing Uses. The expansion of uses identified in 16.296(5)(a)-(q) that existed at any time during 1996, are permitted as provided in this section.

(a) Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

(i) Construction of additional hangars and tie-downs by the owner of the airport or heliport.

(ii) Basing additional aircraft at the airport or heliport.

(iii) Increases in flight activity.

(b) Other Expansions of Existing Uses.

(i) Growth of existing uses that require building permits, other than those existing uses identified LC 16.296(6)(a) shall be permitted as an administrative decision without public hearing, unless the growth:

(A) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals.

(B) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(C) Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

(ii) Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in LC 16.296(7).

(7) New Uses. Uses identified in LC 16.296(5) are permitted following a public hearing before the Director upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

(a) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) The uses do not seriously interfere with existing land uses in areas surrounding the airport or heliport; and

(c) For airports or heliports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

(8) Safety Overlay Zone Surface Delineation. The location of the imaginary surfaces defined in LC 16.296(3) for each private use airport and heliport subject to this overlay zone are depicted on the Official Private Use Airport Overlay Zone Map. All lands, waters and airspace, or portions thereof that are located within these surfaces are subject to the requirements of this overlay zone. The dimensional standards and slope profiles for these surfaces are diagrammed in LC 16.296(13).

(9) Notice of Land Use and Permit Applications within the Safety Overlay Zone.

(a) The county shall provide written notice of applications for land use decisions or administrative approvals, including comprehensive plan or zoning amendments, affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to LC 14.070 and 14.100 in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use decisions or administrative approvals.

(b) The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.100, is provided to parties to a land use or limited land use proceeding.

(10) Height Limitations within the Safety Overlay Zone. All structures permitted by the underlying zone shall comply with the height limitations in LC 16.296(10)(a) and (b), below. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations controls.

(a) Except as provided in LC 16.296(10)(b) below, no structure, tree or other object of natural growth shall penetrate an airport imaginary surface.

(b) Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall comply with LC 16.256(1) and (2), and shall be subject to such conditions and terms as recommended by the Department of Aviation.

(11) Procedures. An applicant seeking a land use or administrative approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(a) A map or drawing showing the location of the property in relation to the airport or heliport imaginary surfaces. The Director shall provide the applicant with appropriate base maps upon which to locate the property.

(b) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

(c) If a height variance is requested, letters of support from the airport sponsor and the Department of Aviation.

(12) Nonconforming Structures.

(a) These regulations do not require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations do not require any change in the construction, alteration or intended use of any structure for which construction was begun or land use permits were applied for prior to January 1, 2008.

(b) Notwithstanding LC 16.296(12)(a), the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as

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deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

(c) No land use decision, administrative approval or other permit shall be granted that would allow a nonconforming structure to become a greater hazard to air navigation than it was on January 1, 2008.

(13) Surfaces Diagramed. The airport surfaces delineated in LC 16.296(8), above are as diagramed in Figure 1.1, below. The heliport surfaces delineated in LC 16.296(8) above are as diagramed in Figure 1.2, below. In addition to the diagrams below, these surfaces have been mapped on the Official Private Use Airport Overlay zone map.

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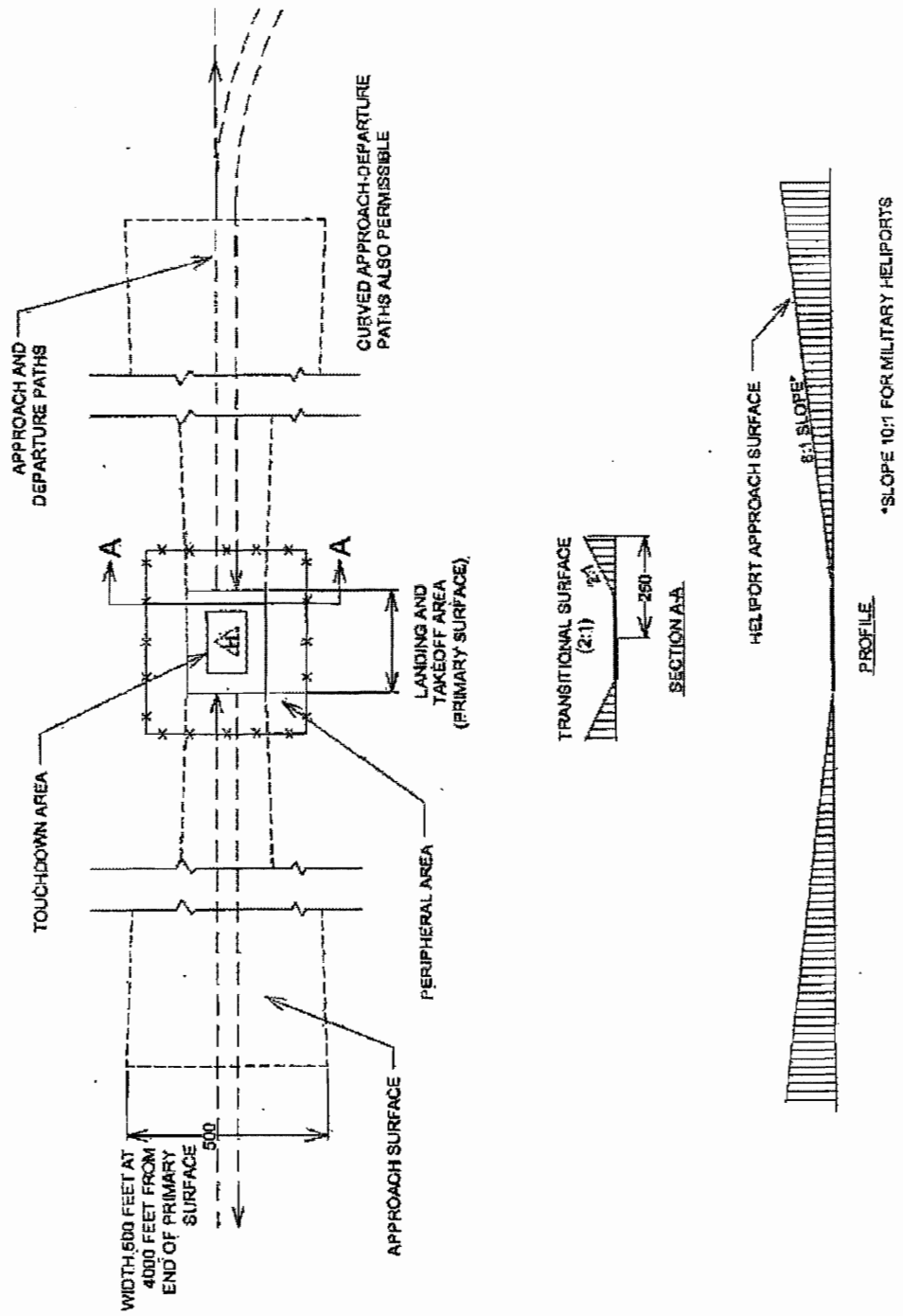
DIM	ITEM	DIMENSIONAL STANDARDS IN FEET
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	200
B	APPROACH SURFACE WIDTH AT THE END	450
C	APPROACH SURFACE LENGTH	2500
D	APPROACH SLOPE	20:01

LC 16.296 (13) Figure 1.1: Private-Use Airport Surfaces

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LC 16.296 (13) Figure 1.2: Heliport Surfaces

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(Revised by Ordinance No. 15-07, Effective 2.1.08)

