



AGENDA COVER MEMORANDUM

Memorandum Date: September 25, 2025
First Reading Date: September 30, 2025
Second Reading/Public Hearing: October 14, 2025

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works, Land Management Division, Planning Program

PRESENTED BY: Rachel Serslev, Senior Planner
Kevin Gilbride, Senior Planner

AGENDA TITLE: ORDINANCE NO. 25-07 / In the matter of amending Lane Code Chapter 16 to adopt clear and objective standards for housing in residential areas in sections 16.090 Definitions, 16.237 Significant Natural Shorelands Combining Zone (/SN-RCP), 16.238 Prime Wildlife Shorelands Combining Zone (/PW-RCP), 16.239 Natural Resource Conservation Combining Zone (/NRC-RCP), 16.240 Residential Development Shorelands Combining Zone (/RD-RCP), 16.241 Shorelands Mixed Development Combining Zone (/MD-RCP), 16.242 Dredge Material/Mitigation Site Combining Zone (/DMS-RCP), 16.243 Beaches and Dunes Combining Zone (/BD-RCP), 16.253 Stream Riparian Regulations Rural Comprehensive/Metro Plan, and 16.254 Greenway Development Permit Rural Comprehensive Plan, as required by Oregon Revised Statute 197A.400; updating references in other sections of Lane Code; and adopting a savings and severability clause and declaring an emergency (File No. 509-PA25-05301).

I. MOTION:

1. September 30, 2025 (1st Reading):

MOVE TO APPROVE THE FIRST READING OF ORDINANCE NO. 25-07, AND TO SET THE SECOND READING AND PUBLIC HEARING FOR October 14, 2025 (AT 1:30 PM DATE AND TIME CERTAIN).

2. October 14, 2025 (2nd Reading/Public Hearing):

Ordinance No. 25-07
File No. 509-PA25-05301
Clear Standards for Housing in Residential Areas

Memorandum Date: September 12, 2025
1st Reading: September 30, 2025
2nd Reading and Public Hearing: October 14, 2025

- 1) MOVE TO APPROVE THE SECOND READING AND ADOPT ORDINANCE NO. 25-07 AS PRESENTED;

OR

- 2) MOVE TO APPROVE THE SECOND READING, SET A THIRD READING, CLOSE THE PUBLIC HEARING, AND CONTINUE DELIBERATIONS TO A DATE CERTAIN;

OR

- 3) MOVE TO APPROVE THE SECOND READING, SET A THIRD READING AND CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN AT 1:30 PM, AND DIRECT STAFF TO REVISE ORDINANCE NO. 25-07 AS DIRECTED BY THE BOARD (SUMMARIZE REVISIONS).

II. AGENDA ITEM SUMMARY:

The proposal before the Board of County Commissioners (the Board) are amendments to Lane Code (LC) Chapter 16 initiated by the Land Management Division (LMD) in response to the passing of House Bill (HB) 3197 (**Attachment 2**). Specifically, the proposal involves amendments to Lane Code (LC) 16.090, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, 16.243, 16.253, and 16.254 to adopt clear and objective standards related to housing. Amendments are also being made to LC 16.210, 16.211, 16.212, 16.213, 16.214, 16.215, 16.216, 16.223, 16.227, 16.229, 16.231, 16.232, 16.285, 16.286, 16.290, 16.291, 16.292, 16.294, and 16.295 to update references to LC 16.253, the stream riparian regulations.

III. BACKGROUND/IMPLICATIONS OF ACTION:

A. Board Action and Other History

Effective on August 15, 2017, the passage of Senate Bill (SB) 1051¹ changed the ORS 197.307(4) requirement for local governments to adopt and apply only clear and objective criteria for “needed” housing to *housing*¹.

The provisions of SB 1051 modified Oregon Revised Statutes (ORS) 197.307(4). The changes to ORS 197.307(4) stated:

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

¹ Case Law later clarified the term “housing” in the bill to mean “all housing,” including resource and nonresource zoned lands un rural areas. *Warren v. Washington County*, __Or LUBA__ (LUBA No. 2018-089, November 14, 2018), *aff’d* 296 Or App 595, 439 P3d 581 (2019) (*Warren*) interpreted SB 1051 to expand the scope of ORS 197.307(4) to apply to all housing.

- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*
- (b) May not have the effect either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

On July 31, 2023, the Oregon Governor signed House Bill 3197, which took effect immediately under an emergency clause. House Bill 3197 modified ORS 197A.400 (formerly ORS 197.307(4)) to apply the requirement for clear and objective standards for housing to areas within urban growth boundaries. Operative on July 1, 2025, the provisions of ORS 197A.400 apply to specified areas outside of urban growth boundaries and within the County's jurisdictional area. The provisions of ORS 197A.400 operative on July 1, 2025 state the following [emphasis added]:

*(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, **unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501. the standards, conditions and procedures:***

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.

Per these requirements, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed

housing, on land within an urban growth boundary, unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501. The application of typical discretionary standards that apply non-measurable terms meant to be balanced with other criteria (i.e. "no more than necessary" or "maximum amount feasible") is prohibited.

In the scoping for this project, staff determined that Lane County's 35 unincorporated communities were adopted before December 5, 1994. Therefore, the mandate for clear and objective requirements applies only to the rural nonresource lands (e.g. Lane Code 16.231) and areas zoned for rural residential use as defined in ORS 215.501 (e.g. Lane Code 16.290). Staff understand that the rural residential base zonings (LC 16.231 and 16.290) already provide clear and objective standards for the development of housing. However, overlay zones may impose additional standards on the development of housing and therefore, must also be addressed. These overlay zones are generally the Coastal Overlay Zones (LC 16.237, 16.238, 16.239, 16.240, 16.241, 16.242 and 16.243), the Greenway (LC 16.254) and the Riparian Regulations (LC 16.253). Additionally, staff propose modifying existing non-clear and objective terms and definitions and adding new definitions within LC 16.090.

In general, the amendments proposed are not intended to change policy related to implementing these overlay zones. The amendments are intended to provide clear and objective pathways for the development of housing on vacant properties in areas zoned for rural residential use that may be subject to these overlay zones. More specifically, each modified code section maintains the existing status quo development standards for all proposals in the overlay zone (in most cases a Type II discretionary process), while including a new clear and objective path (a Type I non-discretionary processes) for development that is considered needed housing. To the extent possible, the amendments proposed with this project do not modify allowances or criteria for existing housing development on properties mapped within the listed combining zones. This will result in no additional regulation or denials compared with existing code.

Although the new clear and objective standards may be more rigid than the existing discretionary processes, it was not possible to lessen restrictions while still providing the same level of protection to natural resources as provided by the existing code and Rural Comprehensive Plan. The overlay zones addressed in this Ordinance implement the Oregon Statewide Planning Goals that deal specifically with resource protection. House Bill 3197 (2023) mandates that Counties provide clear and objective standards for the development of housing, but it does not exempt housing from the resource protections provided in the modified sections of code. As such, the County was required to create clear and objective standards that still provide the required protections mandated by the State Laws, resulting in standards that are generally more rigid than the existing discretionary options. Further amendments that may be less restrictive, such as simplifying standards, would require more extensive code amendments and likely an extensive Goal 5 inventory process.

Since initiating this project, outreach and noticing of the proposed Lane Code amendments have included:

- In Summer/Fall 2024, staff conducted collaborative discussions with the Oregon Department of Fish and Wildlife (ODFW) regarding potential changes to the regulations for protected natural resource areas (Goal 5).
- In Fall/Winter 2024, staff conducted multiple outreach/collaboration meetings with other counties (Washington County, Deschutes County, etc.) who were/are also working on clear and objective amendments in response to the ORS 197A changes.
- On March 11, 2025, staff conducted a work session with the Board of County Commissioners outlining the scope and purpose of the Clear and Objective Standards for Housing in Residential Areas Project.
- In early April 2025, LCOG and County staff conducted stakeholder interviews with interested parties that are likely to engage with the amended code, including land use attorneys, special interest groups, and state agencies.
- On June 23, 2025, notice of the proposed amendments were provided to the Department of Land Conservation and Development (DLCD).
- On July 1, 2025, DLCD notice was revised to include additional draft code amendments.
- On July 8, 2025, notice of the Lane County Planning Commission (LCPC) public hearing was published in the Register Guard and emailed to interested parties.
- On July 9, 2025, a Ballot Measure 56 notice of LCPC public hearing was sent to all property owners with property zoned for rural residential use and within a coastal overlay, the greenway or within 200 feet of a class I stream.
- On July 29, 2025, the LCPC held a public hearing on the amendments and recommended to continue the hearing to avoid any procedural error due to an issue with noticing of the amendments.
- On August 5, 2025, the LCPC held a continued public hearing and unanimously moved to close the public hearing and recommend that the Board adopt the proposed amendments to Lane Code as presented. The motion document is provided as **Attachment 3**.
- On September 11, 2025, the notice provided to DLCD on June 23, 2025, was updated with a current draft of the code.
- On September 23, 2025, mailed notice of the Board public hearing will be sent to all parties of record and interested parties, and published in the Register Guard, at least 21 days prior to the hearing, in accordance with Lane Code Chapter 14.

B. Policy Issues

Any policy considerations are discussed below under **III. F - Analysis**.

C. Board Goals

Approval of Ordinance No. 25-07 may support Lane County's Strategic Priority number two, Vibrant Communities, which has an objective of supporting housing affordability and supply through infrastructure and incentives. The proposed Ordinance is to provide an additional, clear and objective permitting pathway for housing in areas zoned for rural residential use, as required by ORS 197A.400. The Ordinance will not have the effect of increasing the supply of housing but may support affordability through reduced permitting costs.

D. Financial and/or Resource Considerations

Sufficient resources have been made available as part of LMD's long range planning program to complete this effort in the timeliest manner possible.

E. Health Implications

There are no apparent health implications related to the passing of Ordinance 25-07.

F. Analysis

The proposed draft code amendments and findings of fact are provided as exhibits of Ordinance 25-07 (**Attachment 1**). The approach in drafting the clear and objective standards for housing was to create a new pathway for the development of housing in areas zoned for rural residential use that is subject to clear and objective development standards while maintaining the existing discretionary development standards. This approach was taken in each of the amended sections. In essence, the new standards provide a Type I application process subject to non-discretionary standards (see LC 14.030(1)(a) for Type I application procedure), and the existing Type II (see LC 14.030(1)(b) for Type II application procedure) application review process is maintained.

Additionally, some minor organizational changes are proposed to some LC sections to improve readability and understandability, replaced directional words like "above" and "below" with direct citations to applicable criteria, and, at the recommendation of County Counsel, staff amended occurrences of "shall" to read "must" or "will" as applicable.

In general, Lane Code currently contains many standards, conditions, and procedures relating to the development of housing that are not clear and objective. Part of the reason for this is explained by the inherently not clear and objective nature of the Statewide Planning Goals. For example, Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces is a broad Statewide Planning Goal that covers more than a dozen resources, utilizing a number of inventories that help drive decisions about land use conflicts and the level of protection appropriate for each resource site. These decisions about levels of resource protection involve compromises that are generally designed to allow a variety of interests to coexist. The codified provisions that implement Goal 5 resource protections similarly involve discretionary review criteria and standards which generally enable more flexible application of such criteria and standards. This is especially the case given Lane County's coverage of multiple physiographic provinces, its various land uses and resources, its many habitat types, and socio-economic diversity. Therefore, it largely falls on codified discretionary standards, conditions and procedures that are not necessarily consistent with ORS 197A.400 that partially regulate the development of housing in many areas.

Considering the inherently not clear and objective nature of rural land use, staff focused its review of the codified terms, standards, conditions and procedures that relate directly or indirectly to the development of housing in the areas required by ORS 197A.400. For Lane County, these areas are lands that are zoned rural nonresource (e.g. Lane Code 16.231) and rural residential use as defined in ORS 215.501 (e.g. Lane Code 16.290), and where housing is further regulated by overlay zones in these same areas. While the scope of this project is

narrowed to just housing in residential areas, the ongoing Code Modernization project intends to address other sections of Lane Code that could benefit from updated, clear and objective standards.

However, determining standards, conditions and procedures that are not clear and objective is anything but a clear and objective process. Both ORS 197 and 215 fail to define the terms “clear” and “objective.” As such, it falls largely on case law to regulate the meaning of those term as used in ORS 197A.400.

i. Notable Case Law

The new two-track application approach for housing in the proposed amendments to the overlay zones, outlined in detail throughout this report, is based on an intensive review of the applicable legislation, case law, and the approach used by comparative jurisdictions for achieving compliance with ORS 197A.400. Largely, the code drafting process for this project was a legal exercise, as several key cases define what is “clear and objective.” Given this, some of the most pertinent guiding cases relied on by County staff through this process are provided here:

Roberts v. City of Cannon Beach, 316 Or App 305, 504 P3d 1249 (Or. App. 2021)

In the Roberts cases, at the Oregon Court of Appeals, the court agreed with LUBA that if a term alone is ambiguous or has more than one plausible meaning but can be understood when read in context, then the challenged regulation does not violate ORS 197.307(4). Said differently, if terms considered in context are understood, then the standard will not violate ORS 197.307(4) (now ORS 197A.400).

The Roberts cases also provide a sort of summary of where the court’s and LUBA’s interpretations of “clear and objective” stand. “Objective” means existing independent of mind. Nieto v. City of Talent, LUBA No. 2020-100 (Mar 10, 2021). Standards are not objective if they impose subjective, value-laden analyses that are designed to balance or mitigate impacts of development on (1) the property to be developed or (2) the adjoining properties or community. Standards must be “clear” which means easily understood and without obscurity or ambiguity. Group B, LLC v. City of Corvallis, LUBA No. 2015-019, Aug 25, 2015. Ultimately, clear is a balance between the applicant’s need to understand a route to approval and the local government’s need for code-drafting requirements that are realistically achievable. The existence of imprecise or ambiguous terms in a standard does not necessarily resolve whether that standard violates ORS 197.307(4) (now ORS 197A.400).

Under this interpretation, the terms (clear and objective) hinge on whether a standard can be applied in multiple ways in a manner that allows for the “significant” use of discretion. Because significance is itself not a clear and objective concept, and the general ease at which standards and criteria can be challenged as subjective or ambiguous, staff erred on the side of caution when reviewing the Lane Code sections applicable to this project for terms, standards, conditions and procedures that were not “easily understood,” that didn’t include “obscurity or ambiguity,” or that do not exist “independent of mind.”

Roberts v. City of Cannon Beach, 334 Or App 762 (2024)

The "clear and objective" requirement applies to applications for "the development of housing." ORS 197A.400(1) ("a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing"). The Oregon Court of Appeals, in Roberts (2024), has determined that not all local government decision making that touches or concerns housing is restricted by the "clear and objective" mandate. See Roberts v. City of Cannon Beach, 334 Or App 762 (2024) (development of road to access proposed dwelling is not "development of housing" and approval criteria and conditions need not be "clear and objective"). Similarly, not all applications that seek approvals necessary to prepare a site for residential development will themselves qualify as "the development of housing." Oftentimes, there are precursor approvals that are required prior to an application for development of housing. Under the reasoning in Roberts, those precursor applications might not themselves qualify as the development of housing (i.e. applications such as Type I Preliminary Investigations, Riparian Declarations, etc.). Essentially, a precursor application is a process that precedes development and is not required to have clear and objective standards for housing because the application is not determining whether housing is allowed but is determining whether a property can be developed or where on a property the characteristics for development exist.

Dreyer v. City of Eugene, 78 OR LUBA 391 (LUBA No. 2018-074)

In Dreyer, LUBA found that clear and objective standards by their nature tend to be more rigid and less flexible than discretionary standards. Clear and objective standards must address the regulatory interests of the County in public health and safety in a "one-size-fits-all" way that applies to many different properties, each of which may have challenges to development under inflexible cookie-cutter standards.

Consequently, it is generally inherent in a two-track system, like proposed here, that particular development proposals may not be approvable under some clear and objective standards, due to site-specific characteristics, although such proposals could be approved under more flexible discretionary standards. Applicants in such circumstances will need to either modify their development proposal to one that complies with the applicable clear and objective standards or choose to apply under the more flexible discretionary standards. This allowance and flexibility is included in each new clear and objective standards section. While there may be a strong incentive in many cases to choose the more flexible discretionary track, that does not mean that applicants do not have the "option of proceeding" under clear and objective standards, as required by ORS 197A.400, and that option is made clear in the code language itself.

ii. Overview of Specific Amendments

LC 16.253 – Stream Riparian Regulations Rural Comprehensive/Metro Plan

Oregon Statewide Planning Goal 5 (Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces) inventories and protects a variety of natural resources, such as riparian areas. Lane County's program to protect riparian areas involves the inventorying of waterways that are found to be significant resources and must be protected. Lane County relies on an inventory of streams that qualify for Goal 5 protection. To implement these protections, Lane County utilizes LC 16.253, which contains stream riparian regulations. These regulations focus on preserving riparian habitat by requiring development be setback from the banks of protected waterways and by limiting the amount of vegetation removal allowed within a specific distance of a waterway.

The stream riparian regulations are related to the implementation of HB 3197 because LC 16.253 applies to any property where an inventoried stream is present. This includes properties zoned for rural residential use. As such, the stream riparian regulations must be clear and objective to comply with ORS 197A.400(1) and HB 3197. Staff found that certain regulations in LC 16.253 could be construed as not clear and objective and staff determined code amendments were necessary for compliance with state law.

Amendments to LC 16.253 reorganized and clarified the requirements of the section and the associated procedures. The proposed amendments bring clarity to defining the riparian setback area, how the setback will be physically declared on the ground through a Type I Riparian Declaration Application, make the code explicit that development is not allowed in the riparian setback area, provide a clear and objective definition of vegetation removal, and clarify the procedure for approval to locate development in the setback area. These amendments were important to bring clarity on the function of the riparian code before creating the pathway for clear and objective standards for housing.

The standards for removal of vegetation within the riparian setback area were amended to create two pathways for vegetation removal in the setback area. One pathway is the status quo vegetation removal allowance, and the other pathway is specific to housing subject to HB 3197. The pathway for housing contains clear and objective standards for removal of vegetation in the setback area that is related to the development of housing. These standards were drafted to be commensurate with the status quo vegetation removal standards to consistently implement Lane County's Goal 5 program for the protection of riparian resources.

Prior to discussing the proposed amendments for the clear and objective pathway, it is important to understand the status quo vegetation removal standards. Currently, Lane Code allows vegetation removal within the riparian setback area based on the amount of stream frontage of a property. The amount of frontage is categorized into three groups: properties with 200 linear feet or less of stream frontage, properties with more than 200 but less than 400 linear feet of stream frontage, and properties with 400 linear feet or more of stream frontage. Depending on which group a property falls into, the code allows for a certain amount of vegetation removal within the riparian setback area. Staff understands that this existing code allows vegetation removal either all in one location or could be cumulatively counted by considering vegetation removal in different areas throughout the setback.

Furthermore, the current code also requires that the establishment of a structure within the riparian setback area counts towards the vegetation removal limits. Under the current code, if an applicant wanted a structure located within the riparian setback area, they would be required to obtain approval of a Type II land use application for Alternative Standards for Development and Vegetation removal (previously a Riparian Modification application). It is important to note that this avenue for establishing development within the riparian setback area is not being removed from the code, but an additional clear and objective pathway for permitting the development of housing is being developed through this project.

The proposed clear and objective pathway uses a similar framework as the status quo standards for vegetation removal. However, the proposed pathway uses a setback measurement from the center of a dwelling to allow vegetation removal related to the dwelling to occur in a specific area within the setback area. This standard restricts vegetation removal to occur in only one area of the setback and is therefore clear and objective.

The distance from the center of the dwelling for each stream frontage category was determined by calculating the total possible area of vegetation removal. Staff aimed for the vegetation removal allowed under the clear and objective option to be commensurate to the current vegetation removal allowance. A comparison of the vegetation removal allowance between the two pathways is provided in **Table 1**.

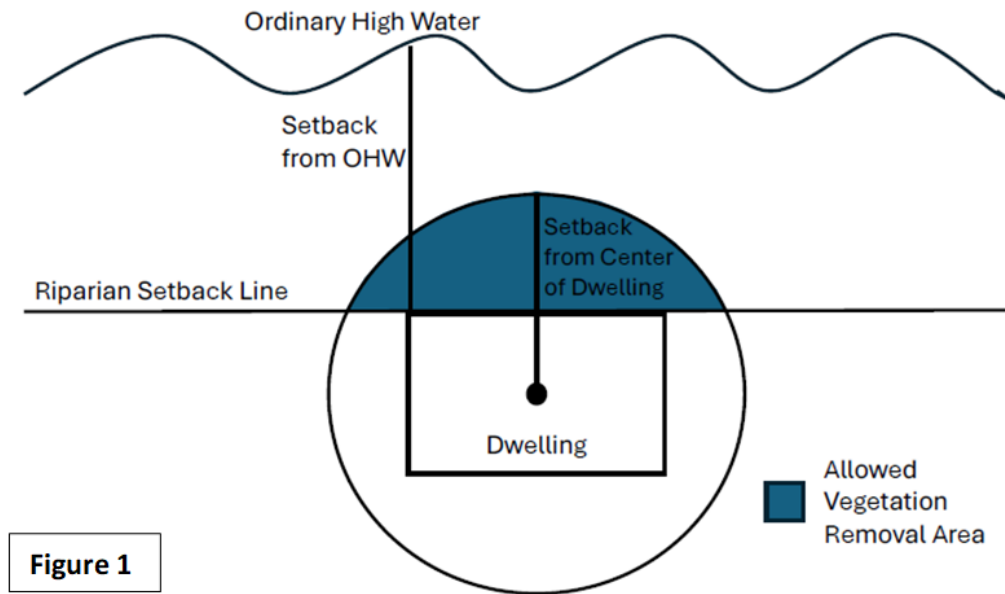
Table 1:

Stream Frontage (linear feet)	Status Quo - Total Veg. Removal (square feet)	Clear and Objective – Distance from the center of the dwelling (feet)	Clear and Objective - Total Veg. Removal (square feet)*
200 or less	2,500	30	2,827
More than 200 and less than 400	25% of the setback area, which works out to between 2,500 and 5,000, depending on the frontage of the property	40	5,026
400 or more	5,000	50	7,853

* Methodology: $3.14(\text{distance from the center of the dwelling})^2 = \text{square footage of the circle surrounding the dwelling}$

Although staff aimed to make the removal allowances commensurate, the clear and objective pathway allows a larger total area of vegetation removal. Despite this, the full extent of the vegetation removal is unlikely to be achieved with housing proposals because of the prohibition on structural development in the setback area. Because a dwelling cannot

simultaneously be located within the riparian setback and take advantage of the clear and objective vegetation removal pathway, only a portion of the setback measured from the center of the dwelling will fall within the riparian setback area, meaning only a portion of the total allowed vegetation removal can be achieved. See Figure 1.



While it is unlikely or impossible for the full extent of the clear and objective vegetation removal allowance to be met by the development of housing under the clear and objective standards, it is difficult to determine what the exact impact on riparian vegetation will be given the variability in the size of the dwelling and the location of the dwelling relative to the riparian setback line. For instance, a smaller dwelling located on the riparian setback line could result in more vegetation removal in the setback area than a larger dwelling located on the setback line. Similarly, a dwelling not located on the riparian setback line could have less impact on vegetation removal in the riparian setback area.

The clear and objective pathway for vegetation removal related to housing also allows vegetation removal for the development or maintenance of vehicular access to the dwelling to accommodate potential scenarios where the access necessary for establishing the dwelling pursuant to the clear and objective pathway must be located within the riparian setback area. Lastly, the clear and objective pathway establishes a total vegetation limit of 25% to ensure that the vegetation removal surrounding the dwelling combined with vegetation removal for the access do not exceed the maximum allowable vegetation removal established by the status quo pathway.

LC 16.254 - Greenway Development Permit Rural Comprehensive Plan

Oregon Statewide Planning Goal 15 (Goal 15, Willamette River Greenway) requires cities and counties to review new development, changes in use, and intensifications of use that take place within the boundaries of the Willamette River Greenway to ensure that development within

the Greenway boundary is designed to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. The County's adopted Greenway Development Permit regulations and approval criteria are under Lane Code 16.254. Under the current code, Greenway Development Permits are reviewed using a Type II application process.

The amendments proposed for this section provide a new set of approval criteria and standards for applicants proposing the development of housing within the designated Greenway and some clarification and housekeeping changes. An applicant proposing to develop housing within the Greenway will now be able to choose to proceed through a Type I administrative application process under the clear and objective Greenway Development Permit approval criteria located in LC 16.254(4), or through the subjective, discretionary Type II approval criteria located in LC 16.254(5).

The proposed clear and objective approval criteria include removal of vegetation standards and limitations, and compliance with a setback from the river's ordinary high water line. These standards were drafted to be commensurate with the status quo criteria that provide multiple criteria intended to be balanced through a discretionary review process to result in development with the least impact on the resource. The balancing of criteria is traded for an outright vegetation removal standard and a greatly increased minimum setback. Attachment 3 provides a comparison of the existing site development criteria and the corresponding clear and objective standards.

The amendments do not change or amend the County's adopted Willamette River Greenway Boundary. There are no substantial changes to the existing standards under LC 16.254. Following adoption of the Greenway Development Permit amendments, applicants proposing to develop housing within the Greenway boundary in the areas required by ORS 197A.400 will be able to choose to proceed under the new clear and objective approval criteria or under the more flexible discretionary approval criteria. Applicants proposing development other than housing, or housing in areas not listed in ORS 197A.400, will continue to be required to use the current subjective approval criteria.

LC 16.237, 16.238, 16.239, 16.240, 16.241 and 16.242 – Coastal Shorelands Overlay Zones

Oregon Statewide Planning Goal 17 (Goal 17, Coastal Shorelands) provides protection to water quality and fish and wildlife habitat in coastal areas. In Lane County, Goal 17 is addressed through the Coastal Resources Management Plan (CRMP), which identifies several coastal shorelands areas and provides provisions for the protection and management of these areas to maintain water quality, fish and wildlife habitat, recreation, and water-dependent uses. Lane County's shorelands are divided into five different management units: Significant Natural Areas (LC 16.237), Prime Wildlife Area (LC 16.238), Natural Resource Conservation (LC 16.239), Residential Development (LC 16.240), and Mixed Development (LC 16.241). While not a shoreland designation, staff included amendments to the Dredge Material Mitigation Site Combining Zone (LC 16.242) with this project because it is addressed in the CRMP.

Under the current code, a property owner or applicant must file a Type I: Preliminary Investigation to determine the specific area to which the requirements of the specific coastal overlay zone apply. If requirements of the overlay zone are found to apply to the proposed development area, a Type II Special Use Permit for housing development is required. The Type II permit balances discretionary criteria to restrict new or expansions of existing development in the coastal resource areas.

The amendments to all the coastal shorelands zones generally follow the same approach and involve similar clear and objective standards, outlined below. Staff also proposes amendments to provide clarity on implementation of each code. Notably, staff moved the “Preliminary Investigation” requirements to the beginning of each section. The purpose of this change is to provide clarity that the Type I Preliminary Investigation Application is the first step in the process when proposing development in any of the shorelands zones. Staff understand that the preliminary investigation is a precursor application that precedes development and therefore, is not required to have clear and objective standards for housing because the application is not determining whether housing is allowed but is determining where on a property the characteristics of the shorelands zone exists.

The “Permitted Uses” section of each shorelands code was amended to add a use for housing subject to HB 3197. After receiving confirmation through a Type I: Preliminary Investigation, an applicant proposing the development of housing within coastal resource areas will now be able to choose to proceed through a Type I administrative application process under the clear and objective criteria located in LC 16.237-242. Alternatively, they may still request review through the subjective, discretionary Type II approval criteria. The balancing of criteria is generally traded for an outright vegetation removal standard, an increased minimum setback, and prohibitions of the development in certain areas.

Staff developed the standards under the clear and objective pathway by reviewing the existing discretionary site development criteria and creating corresponding standards that are clear and objective. Attachment 4 provides a comparison of the existing site development criteria and the corresponding clear and objective standards.

Generally, the discretionary site development criteria are made clear and objective through development setbacks and vegetation removal limitations. The clear and objective standards may appear more rigid than the existing discretionary standards. For instance, in the Prime Wildlife Shorelands discretionary site development standards include a 50-foot setback from waterbodies for topographic modification and structures. The proposed clear and objective standards propose a 100-foot setback for vegetation removal (which, as defined, includes ground disturbance and topographic modification) and structures. Staff determined that an increase to the setback between the discretionary and clear and objective pathways from 50 to 100 feet will account for inaccuracies in the actual location of the high water line and ensure that if there are inaccuracies, the additional setback area is sufficient to protect the coastal resource/waterbody. Additionally, the additional setback area in the clear and objective pathway ensures that topographic modification, resulting from establishing a structures’

foundation immediately adjacent to the setback line, is not inadvertently impacting the area within the setback.

LC 16.243 – Beaches and Dunes Combining Zone

Oregon Statewide Planning Goal 18 (Goal 18 – Beaches and Dunes) focuses on conserving and protecting Oregon’s beach and dune resources, and reducing hazards associated with these environments. Lane County addresses Goal 18 in the Coastal Resources Management Plan (CRMP) by inventorying the types and locations of dune landforms that exist in the coastal areas of the county, and identifying uses that the landforms are capable of sustaining, while minimizing threat to human life and property. The CRMP outlines policies for how development should occur on the various dune forms. These policies are implemented by LC 16.243, the Beaches and Dunes Combining Zone.

Under the current code, a property owner or applicant must file a Type I: Preliminary Investigation (Hazards Checklist) to determine if hazards, as identified by LC 16.243 and Lane Manual (LM) 10.005.065, exist on the subject property or within the proposed development areas. If hazards exist, a Type II Special Use Permit for housing development is required. The Type II permit balances discretionary criteria to restrict new or expansions of existing development on the dune landforms.

The amendments proposed herein provide no substantive changes to the existing, compliant procedures. Instead, the amendments proposed for this section provide a new set of approval criteria and standards for applicants proposing the development of housing in areas zoned for rural residential use and mapped within the Beaches and Dunes overlay area and some clarification and housekeeping changes. The amendments to LC 16.243 are similar to those made in the coastal shorelands overlay zones. The standards for the clear and objective pathway were developed by reviewing the approval criteria under the existing site development criteria, omitting criteria inapplicable to the development of housing, and creating corresponding standards that are clear and objective. Attachment 5 provides a comparison of the existing site development criteria and the corresponding clear and objective standards.

An applicant proposing to develop housing within the Beaches and Dunes overlay area will now be able to choose to proceed through a Type I administrative application process under the new clear and objective approval criteria located in LC 16.243(7)(c), or through the subjective, discretionary Type II approval criteria located in LC 16.243(10).

Staff also proposes amendments to provide clarity on implementation of the beaches and dunes code. Notably, staff moved the “Preliminary Investigation” requirements to the beginning of the section. The purpose of this change is to provide clarity that the Type I Preliminary Investigation Application (Hazards Checklist) is the first step in the process when proposing development in the Beaches and Dunes Combining Zone. Staff understand that the preliminary investigation is a precursor application that precedes development and therefore, is not required to have clear and objective standards for housing because the application is not determining

whether housing is allowed but is determining where on a property the characteristics of the zone exist.

LC 16.090 – Definitions

The amendments for clear and objective standards for housing involve several amendments and additions to LC 16.090, the definitions section. Newly defined terms in this section are “Area Zoned for Rural Residential Use,” “Ground Disturbance,” “Housing,” “Setback/ Set Back,” “Topographic Modification,” and “Vegetation Removal/Removal of Vegetation.” Existing definitions that were amended were “Ordinary High Water,” which was changed to “Ordinary High Water Line,” and “Ordinary Low Water,” which was changed to “Ordinary Low Water Line.” Staff determined that the newly defined terms were necessary to make the standards proposed in other sections of the draft code clear and objective. In alignment with the other amendments, staff aimed to draft these definitions so that they align with current practice and do not constitute as a change in policy.

LC 16.210, 16.211, 16.212, 16.213, 16.214, 16.215, 16.216, 16.223, 16.227, 16.229, 16.231, 16.232, 16.285, 16.286, 16.290, 16.291, 16.292, 16.294, and 16.295

The reorganization of the LC 16.253 Riparian Regulations required minor housekeeping amendments to the reference and terminology used in the siting criteria in each of the above sections.

iii. Public Comment Received:

During the LCPC public hearing on July 29, 2025, the LCPC heard verbal testimony from eight members of the public. Most of the testimony was a result of confusion about the notice and/or project. Members of the public wanted to know how the project related to their properties and were concerned about more housing development being allowed in their neighborhoods. Many were also concerned about changes to the riparian setback area or high water mark. Staff responded by clarifying that the purpose of the project is to add a new path for the development of housing subject to new clear and objective standards, not to modify or remove allowances for existing housing. Staff also addressed some individual property owners’ concerns.

During the continued public hearing on August 5, 2025, there was no verbal testimony given. One person, Aaron Notebloom, submitted written testimony prior to the continued public hearing (**Attachment 4**). The written testimony raised issues with the riparian amendments violating Goal 5, overly restrictive vegetation removal standards for riparian areas, the greenway clear and objective setback being overly restrictive, and improper noticing of the code amendments.

Staff responded verbally to the written testimony at the continued hearing on August 5th. However, staff’s position is reiterated here in written form. Firstly, Mr. Notebloom’s testimony argues that “the proposed amendments violate Goal 5 and represent an attempt

to expand protections beyond what the County’s adopted Goal 5 inventory allows.” However, the project is not proposing any amendments to Lane County’s Goal 5 inventory of protected riparian areas. The project proposes amendments to Lane Code 16.253, which contains the Stream Riparian Regulations. By amending this section of Lane Code, staff is not proposing amendments to what areas of the County are subject to this section of Lane Code. That action would be an amendment to the Lane County Rural Comprehensive Plan Goal 5 program and inventories, and that is not what is proposed with this project.

Furthermore, applicability of riparian protections to all Class I designated streams in Lane County was recently decided by the Hearings Official, in department file No. 509-PA24-05360 (Jones-McCann). The Hearings Official affirmed that the wildlife habitat and protection of water quality resources included in Lane County’s Rural Comprehensive Plan are only accomplished if the riparian protections of Lane Code 16.253 apply to all Class I designated streams in the County.

Secondly, Mr. Notebloom argues that the riparian standards for vegetation removal and the greenway setback are overly restrictive. Staff clarified that the amendments create a clear and objective permitting path and that the standards may not benefit all property owners when permitting new housing, as is consistent with the Dreyer v. City of Eugene case. It is generally inherent in a two-track system, like proposed here, that particular development proposals on particular properties may not be approvable under some clear and objective standards, due to site-specific characteristics, although such proposals could be approved under more flexible discretionary standards. Therefore, Mr. Noteboom’s argument that the riparian standards for vegetation removal and the greenway setback are overly restrictive is not supported by case law.

Lastly, Mr. Notebloom’s testimony indicates that they represent Coast Fork Annex LLC and Coast Fork Ranch LLC, and that it is unclear that all affected property owners were properly noticed of the code amendments. However, the testimony lacks substance regarding what properties or property owners were not noticed of the code amendments. Given the limited information provided in the testimony, staff can only conclude that Mr. Notebloom is referring to their clients, Coast Fork Annex LLC and Coast Fork Ranch LLC, who, staff confirmed, were provided a mailed Ballot Measure 56 notice.

All issues within the written testimony were addressed by staff at the continued public hearing on August 5th, and the LCPC did not have any remaining concerns about the written testimony or the proposed amendments.

iv. Code Changes Since LCPC Hearing:

The Lane County Planning Commission did not recommend that staff modify the Ordinance prior the Board public hearing processes and recommended that the Board adopt the Ordinance as written. However, staff did make minor changes to the Ordinance prior to the Board hearing for the purpose of compliance with the Rural Comprehensive Plan, and to correct code references and address grammatical issues.

G. Alternatives/Options

Option 1. Move to approve the second reading and adopt Ordinance No. 25-07 as presented.

Option 2. Move to approve the second reading, set a third reading, close the public hearing, and continue deliberations to a date certain.

Option 3. Move to approve the second reading, set a third reading and continue the public hearing to a date and time certain and direct staff to revise Ordinance No. 25-07 as directed by the Board (summarize revisions).

IV. RECOMMENDATION:

Staff recommends **Option 1** above.

V. TIMING/IMPLEMENTATION:

Due to an emergency clause, Ordinance 25-07 will become effective immediately.

VI. FOLLOW UP:

Should the Lane County Board of Commissioners choose **Option 2 or 3**, staff will revise Ordinance No. 25-07 if directed and return for deliberations on the Ordinance on a date certain set by the Board.

Should the Board choose **Option 1**, notice of the Lane County Board of Commissioners action will be provided to the Department of Land Conservation and Development and all parties of record/interested parties as required by State law.

VII. ATTACHMENTS:

1. Ordinance No. 25-07 (3 pgs.) with:
 - Exhibit A: Lane Code Amendments* (758 pgs.)
 - Exhibit B: Findings of Fact (25 pages)
 - *Legislative version of code amendments provided after Exhibit A*
2. House Bill 3197 (4 pgs.)
3. LCPC Motion Document (2 pgs.)
4. Public Comment
 - a. Notebloom 8/5/2025 (8 pgs.)

To conserve paper, copies of the Planning Commission Packets are not attached. Materials are available at the following link:

July 29, 2025, Public Hearing Materials

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 25-07

IN THE MATTER OF AMENDING LANE CODE CHAPTER 16 TO ADOPT CLEAR AND OBJECTIVE STANDARDS FOR HOUSING IN RESIDENTIAL AREAS IN SECTIONS 16.090 DEFINITIONS, 16.237 SIGNIFICANT NATURAL SHORELANDS COMBINING ZONE (/SN-RCP), 16.238 PRIME WILDLIFE SHORELANDS COMBINING ZONE (/PW-RCP), 16.239 NATURAL RESOURCE CONSERVATION COMBINING ZONE (/NRC-RCP), 16.240 RESIDENTIAL DEVELOPMENT SHORELANDS COMBINING ZONE (/RD-RCP), 16.241 SHORELANDS MIXED DEVELOPMENT COMBINING ZONE (/MD-RCP), 16.242 DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP), 16.243 BEACHES AND DUNES COMBINING ZONE (/BD-RCP), 16.253 STREAM RIPARIAN REGULATIONS RURAL COMPREHENSIVE/METRO PLAN, AND 16.254 GREENWAY DEVELOPMENT PERMIT RURAL COMPREHENSIVE PLAN, AS REQUIRED BY OREGON REVISED STATUTE 197A.400; UPDATING REFERENCES IN OTHER SECTIONS OF LANE CODE; AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY (FILE NO. 509-PA25-05301).

WHEREAS, House Bill (HB) 3197 was signed by the Governor and became effective on July 31, 2023; and

WHEREAS, HB 3197 modified ORS 197A.400 (formerly ORS 197.307(4)) to apply the requirement for clear and objective standards for housing to areas within urban growth boundaries; and

WHEREAS, ORS 197A.400 (2023) requires clear and objective standards for unincorporated communities, nonresource lands, and areas zoned for residential use as defined in ORS 215.501 outside urban growth boundaries, and applicability to these areas became operative on July 1, 2025; and

WHEREAS, Lane Code Chapter 16 combining zones and overlays containing discretionary standards that apply to nonresource lands and areas zoned for rural residential use must be amended in order to comply with ORS 197A.400; and

WHEREAS, Lane County adopted unincorporated communities prior to December 5, 1994; and

WHEREAS, on June 23, 2025, initial notice of the proposed changes to Lane Code was provided to the Department of Land Conservation and Development (DLCD) and the notice was updated with additional amendments on July 1, 2025; and

WHEREAS, on July 8, 2025, notice of the Lane County Planning Commission public hearing was emailed to interested parties and published in the Register Guard; and

WHEREAS, on July 9, 2025, a Ballot Measure 56 notice of the Lane County Planning Commission public hearing was mailed to property owners with potential to be affected by the amendments; and

WHEREAS, on July 29, 2025, the Lane County Planning Commission held a public hearing on the proposed amendments, and motioned to continue the public hearing to August 5, 2025, to avoid any procedural error due to an error in noticing; and

WHEREAS, the Lane County Planning Commission reviewed and deliberated on the proposal in a public hearing held on August 5, 2025, and made a unanimous recommendation for approval to the Board of County Commissioners; and

WHEREAS, on September 11, 2025, DLCD notice was updated with a current draft code and on September 23, 2025, notice of a Lane County Board of Commissioners public hearing was mailed, emailed and published; and

WHEREAS, the Board held a first reading on September 30, 2025, and a duly noticed public hearing on October 14, 2025, and after considering the public comments, testimony, and staff report, the Board is now ready to take action.

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

Lane Code (LC) Chapter 16 are amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

LC 16.090
LC 16.210
LC 16.211
LC 16.212
LC 16.213
LC 16.214
LC 16.215
LC 16.216
LC 16.223
LC 16.227
LC 16.229
LC 16.231
LC 16.232
LC 16.237
LC 16.238
LC 16.239
LC 16.240
LC 16.241
LC 16.242
LC 16.243
LC 16.253
LC 16.254

INSERT THESE SECTIONS

LC 16.090
LC 16.210
LC 16.211
LC 16.212
LC 16.213
LC 16.214
LC 16.215
LC 16.216
LC 16.223
LC 16.227
LC 16.229
LC 16.231
LC 16.232
LC 16.237
LC 16.238
LC 16.239
LC 16.240
LC 16.241
LC 16.242
LC 16.243
LC 16.253
LC 16.254

LC 16.285
LC 16.286
LC 16.290
LC 16.291
LC 16.292
LC 16.294
LC 16.295

LC 16.285
LC 16.286
LC 16.290
LC 16.291
LC 16.292
LC 16.294
LC 16.295

1. These sections are attached hereto as **Exhibit A** and incorporated herein by this reference.
2. The Findings of Fact, attached as **Exhibit B** and incorporated herein by reference, and the above recitals are adopted in support of this amendment.
3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.
4. Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.
5. Ordinances, Lane Code sections, and regulations amended by this Ordinance remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution, or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance, code section, or regulation prior to the effective date of this Ordinance.
6. An emergency is hereby declared to exist and this Ordinance, being enacted by the Board, in exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, takes effect upon execution by the Chair of the Board of Commissioners.

ENACTED this ____ day of _____ 2025.

David Loveall, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date _____ Lane County

OFFICE OF LEGAL COUNSEL

Recording Secretary for this Meeting of the Board

16.090 Definitions.

When a Term Is Not Defined. Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code. Where specific terms are not defined relating to marijuana and commercial uses in connection with recreational marijuana as regulated by state law, the definitions contained in Oregon Laws, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), Oregon Liquor Control Commission (OLCC) interpretation(s), and case law interpretations apply directly.

Conflicting Definitions. Where a term defined in section 13.030 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the term in this section will control.

Definitions. For the purposed of Chapter 16 of the Lane Code, unless the context requires otherwise, the following words and phrases mean:

- (1) Acceptance. Received by and considered by the Director as sufficiently complete to begin processing according to the application or appeal review procedures of this chapter.
- (2) Accepted Farming Practice. A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
- (3) Accessory. Incidental, appropriate and subordinate to the main use of a tract or structure.
- (4) Accessory Structure. A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use.
- (5) Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.
- (6) Agriculture. Synonymous with definition of "farm use."
- (7) Agricultural Building Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.
 - (a) "Agricultural building" means a structure located on a farm or forest operation and used for:
 - (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
 - (ii) The raising, harvesting and selling of crops or forest products;
 - (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
 - (iv) Dairying and the sale of dairy products;
 - (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.
 - (b) "Agricultural building" does not include:
 - (i) A dwelling;

- (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
 - (iv) A structure used by the public; or
 - (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.
- (c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:
 - (i) Stabling or training equines; or
 - (ii) Riding lessons and training clinics;
- (d) "Equine facility" does not include:
 - (i) A dwelling;
 - (ii) A structure in which more than 10 persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or
 - (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.
- (e) A person may not convert an agricultural building authorized for a forest use or mixed farm and forest use to another use.
- (8) Alter or Alteration. Any change, addition or modification in use construction or occupancy. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.
- (9) Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.
- (10) Amendment, Minor. A change to a preliminary plan, plat or map which:
 - (a) Does not change the number of lots or parcels created by the subdivision or partition;
 - (b) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
 - (c) Does not change the general location or amount of land devoted to a specific land use; or
 - (d) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.
- (11) Amendment, Major. A change to preliminary plan, plat or map which is not a minor amendment.
- (12) Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

- (13) Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- (14) Appearance. Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name or address on a petition.
- (15) Approval Authority. A person, or a group of persons, given authority by Lane Code to review and/or make decisions upon certain applications according to the review procedures of Lane Code Chapter 14.
- (16) Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.
- (17) Aquaculture. The raising, feeding, planting and harvesting of fish, shell fish or waterborne plants and associated facilities necessary for the use.
- (18) Area. The surface included within any set of lines which may be further defined in square feet or acres, exclusive of County or local access public street.
- (19) Area of Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year.
- (20) Area Zoned for Rural Residential Use. Are lands that are zoned Rural Residential (RR, RCP), not located inside an urban growth boundary as defined in Oregon Revised Statute 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.
- (21) Auxiliary. As used in the F-1 zone and F-2 zone, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- (22) Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.
- (23) Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.
- (24) Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.
- (25) Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is cited as a home occupation

- on the same tract as a Winery or Cider Business, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery or Cider Business.
- (26) Biofuel. The liquid, gaseous or solid fuels derived from biomass, that have been converted into processed fuel ready for use as energy by a biofuel producer's customers or for direct biomass energy use at a biofuel producer's site.
- (27) Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:
- (a) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;
 - (b) Wood material from hardwood timber described in ORS 321.267(3);
 - (c) Agricultural residues;
 - (d) Offal and tallow from animal rendering;
 - (e) Food wastes collected as provided under ORS Chapter 459 or 459A;
 - (f) Yard or wood debris collected as provided under ORS chapter 459 or 459A;
 - (g) Wastewater solids; or
 - (h) Crops grown solely to be used for energy.
- Biomass does not mean wood that has been treated with creosote pentachlorophenol, inorganic arsenic or other inorganic chemical compounds or waste, other than matter described above.
- (28) Board. Board of County Commissioners of Lane County.
- (29) Boarding of Horses. The boarding of horses for profit shall include the following:
- (a) The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and
 - (b) Related facilities, such as training arenas, corrals and exercise tracks.
- The boarding of horses for profit does not include the following:
- (i) The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.
 - (ii) The incidental stabling of not more than four horses.
 - (iii) The boarding of horses for friends or guests where no charge is made.
 - (iv) Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.
- (30) Boarding House. A dwelling or part thereof, in which lodging is provided by the owner which equals or exceeds the limitations of a bed and breakfast accommodation.
- (31) Bridge Crossings. The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.
- (32) Bridge Crossing Support Structures. Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.
- (33) Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways

- or walks not more than six inches higher than the ground on which they rest are not buildings. Retaining walls less than four (4) feet in height and fences not higher than six (6) feet are not considered buildings for the sake of general property line setbacks.
- (34) Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.
- (35) Camp. An area designed for organizational recreation which may include facilities such as; swimming pools, meeting halls and indoor shelters for recreation.
- (36) Campground.
- (a) An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.
 - (b) Applicable to Nonimpacted Forest Lands Zone (F1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU-RCP) only, 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.
- (37) Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.
- (38) Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.
- (39) Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.
- (40) Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
- (41) Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.
- (42) Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.
- (43) Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapter 16, and which is consistent with the cluster

subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies.

- (44) Coastal Lakes. Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.
- (45) Coastal Recreation. Occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of off-highway vehicles (OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.
- (46) Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.
- (47) Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.
- (48) Compost. The controlled biological decomposition of organic material or the product resulting from such a process.
- (49) Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.
- (50) Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.
- (51) County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.
- (52) Cultured Christmas Trees. Means trees:
 - (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
 - (b) Of a marketable species;
 - (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
 - (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.
- (53) Current Employment of Land for Farm Use. Includes:

- (a) Farmland, the operation or use of which is subject to any farm-related government program;
 - (b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
 - (c) Land planted in orchards or other perennials, other than land specified in LC 16.090(6) below prior to maturity;
 - (d) Any land constituting a woodlot not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
 - (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
 - (f) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
 - (g) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213(2)(c);
 - (h) Water impoundments lying in or adjacent to and in common ownership with farm use land;
 - (i) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
 - (j) Any land described under ORS 321.267(3) or 321.824(3); and
 - (k) Land used for the processing of farm crops into biofuel, as defined in LC 16.090, if:
 - (i) Only the crops of the landowner are being processed;
 - (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 - (iii) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.
- (54) Date of Creation and Existence. Applicable to Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU, RCP) only. 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.
- (55) Day. A calendar day, computed consistent with ORS 174.120.
- (56) Day Care Nurseries. Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the

- purpose of being given board, care or training apart from their parents or guardians for compensation or reward.
- (57) Deflation Plain. The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.
- (58) Department. The Lane County Department of Public Works.
- (59) Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.
- (60) Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:
- (a) The limits of dredging precision which causes “overdepth”; and
 - (b) The practice, where approved by the Corps of Engineers, of “advanced maintenance” overdredging which designates the amount of extra depth to be dredged to insure clear project depths for the time period between maintenance operations.
- (61) Destroy. To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.
- (62) Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.
- (63) Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.
- (64) Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.
- (65) Disposal site. For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.
- (a) “Disposal site” does not include:
- (i) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;
 - (ii) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;
 - (iii) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;
 - (iv) A site operated by a dismantler issued a certificate under ORS 822.110; or

- (v) A site used for the storage of dredged materials.
- (66) Dune. A hill or ridge of sand built up by wind along sandy coasts.
- (67) Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation-free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.
- (68) Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.
- (69) Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.
- (70) Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."
- (71) Dune, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.
- (72) Dwelling. A building or portion thereof which is occupied as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, guest houses, and camping vehicles. Where the term, "dwelling," is used in Lane Code Chapter 16, it shall mean a single-family dwelling or manufactured home unless otherwise noted.
- (73) Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.
- (74) Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.
- (75) Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other and having housekeeping facilities for each family.
- (76) Enhancement. An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.
- (77) Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.
- (78) Estuary/Estuarine. A body of water semienclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from

- the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.
- (79) Exploration. Superficial survey measures which do not include active seismic surveys or prospect well drilling.
- (80) Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.
- (81) Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- (82) Family. An individual or two or more persons related by blood or marriage or group of not more than five persons (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.
- (83) Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility may provide either full-time or part-time supervision and care for no more than 12 children including the children of the resident-operator(s).
- (84) Farm Use. Means:
- (a) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;
 - (b) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;
 - (c) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or
 - (d) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;
 - (e) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition; or
 - (f) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);
 - (g) As used in this definition:

“Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and

“Products or by-products raised on such land” means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

- (85) Fill. The placement by humans of sand, gravel, earth, sediment or other material to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (nonfloating) and dredge material can also be considered fill if they:
- (a) Involve the human placement of materials; and
 - (b) Create new uplands or raise the elevation of land.
- (86) Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters from any source.
- (87) Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.
- (88) Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.
- (89) Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.
- (90) Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
- (91) Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (92) Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (93) Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.
- (94) Floor, Habitable. A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
- (95) Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated

- or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.
- (96) Foredune, Active. An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.
- (97) Foredune, Conditionally Stable. An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.
- (98) Foredune, Older. A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.
- (99) Forest Operation. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (100) Forest Uses. Forest uses are:
- (a) the production of trees and the processing of forest products;
 - (b) open space, buffers from noise and visual separation of conflicting uses;
 - (c) watershed protection and wildlife and fisheries habitat;
 - (d) soil protection from wind and water;
 - (e) maintenance of clean air and water;
 - (f) outdoor recreational activities and related support services and wilderness values compatible with these uses; and
 - (g) grazing land for livestock.
- (101) Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.
- (102) Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.
- (103) Garage, Public Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).
- (104) General Merchandise. Items for human use, including: books and stationary, newspapers and magazines, clothing, furniture, drugs, curios and antiques, plants and flowers, household goods and furnishings, musical instruments and supplies, seeds and garden supplies, sporting goods, jewelry, art objects and supplies, pottery, handicrafts, photographic supplies, optical goods.
- (105) Grazing. The use of land for the pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals alone or in conjunction with agricultural pursuits.
- (106) Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.
- (107) Ground Disturbance. Synonymous with the definition of topographic modification.

- (108) Group Care Home. Any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.
- (109) Guest House, Employee Quarters. An accessory building without a kitchen or cooking facilities and occupied solely by nonpaying guests or by a person or persons employed on the premises. As used in the F-1, F-2, and EFU zones, means an accessory building without a kitchen or cooking facilities and solely occupied by nonpaying guests.
- (110) Hearings Official. A person who has been appointed by the Board of County Commissioners to serve at its pleasure and at a salary fixed by it.
- (111) Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as a historic site or structure in the applicable comprehensive plan. Such property must otherwise comply with the definition of historic property in ORS 358.480.
- (112) Historic Structure or Site. Property which had been identified by Lane County in its adopted Rural Comprehensive Plan findings as:
- (a) Historically significant.
 - (b) In need of protection in order to preserve its historical significance, and for which the means of protection shall be the application of the Historic Structures or Sites Combining (/H-RCP) Zone.
- The above sites are also identified separately in LM 11.300.
- (113) Horticultural Specialties. A crop distinguishable from typical commercial crops mentioned in the farm groupings of the EFU zone which are conducive to intensive management techniques.
- (114) Housing. A dwelling that is subject to clear and objective standards, conditions and procedures. Housing is limited to land within unincorporated communities as designated by the Lane County Comprehensive Plan after December 5, 1994, nonresource lands, and areas zoned for rural residential uses. Housing does not include residential accessory structures or development ancillary to a dwelling, such as motor vehicle access and on-site wastewater treatment systems.
- (115) Hydraulic. Related to the movement or pressure of water.
- (116) Hydraulic hazards. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.
- (117) Hydraulic processes. Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes and rivers).
- (118) Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that

the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

- (119) Indigenous Vegetation. Plant species not introduced directly or indirectly into a particular area from the outside. Originating or developing or produced naturally in a particular area.
- (120) Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.
- (121) Interdune Area. Low-lying areas between higher sand landforms and which are generally under water during part of the year.
- (122) Interior Lot. A lot, other than a corner lot, having frontage on only one street.
- (123) Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).
- (124) Irrigated. 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. For the purposes of this chapter, 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.
- (125) Jetty. A structure extending seaward from the mouth of a river designed to stabilize the river mouth by preventing the build-up of material at the river's mouth, and to direct or confine the stream or tidal flow.
- (126) Kennel; Commercial. A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.
- (127) Kennel; Commercial Breeding. A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.
- (128) Kennel; Noncommercial. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.
- (129) Lawfully Established Unit of Land.
 - (a) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
 - (b) Another unit of land:
 - (i) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
 - (ii) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
 - (iii) That received legal lot verification from the County and was noticed pursuant LC 13.140.
 - (c) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

- (d) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.
- (130) Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.
- (131) Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.
- (132) Loading Space. An off street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.
- (133) Lot. A unit of land that is created by a subdivision of land.
- (134) Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.
- (135) Lot Line; Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- (136) Lot Line; Side. Any lot line which is not a front or rear line.
- (137) Lot of Record. A legal lot which meets all of the lot of record standards specified in ORS Chapter 215 (Sections 9 to 13, Chapter 884, Oregon Laws) and is entitled to a dwelling or mobile home irrespective of land use regulations.
- (138) Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.
- (139) Low Intensity. An activity or use conducted at a level that does not require developed facilities and can be accommodated without change to an area or resource.
- (140) Main Channel. That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.
- (141) Maintain. Support, keep, and continue in an existing state or condition without decline.
- (142) Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.
- (143) Manufactured Dwelling. A residential trailer, mobile home, or manufactured home. "Manufactured dwelling" does not include any building or structure

- constructed to conform the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 (Duties of director) to 455.450 (Prohibited acts) and 455.610 (Low-Rise Residential Dwelling Code) to 455.630 (Enforcement) or any unit identified as a recreational vehicle by the manufacturer.
- (144) Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract. The term "manufactured home" is synonymous with "manufactured dwelling," but does not include a "recreational vehicle."
- (145) Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (146) Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code.
- (147) Map, Partition. A final diagram and other documentation relating to a major or minor partition.
- (148) Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300. (OAR 845-025-1015(24))
- (149) Marijuana processing. A use where a marijuana processor processes marijuana.
- (a) For the purpose of this definition the term "marijuana processor" means a person who processes marijuana items in the State of Oregon. (OAR 845-025-1015(28)).
 - (b) For the purpose of this definition the term "processes" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts. (OAR 845-025-1015(39)).
 - (c) In accordance with ORS 215.213(1)(u), a facility for processing farm crops may be allowed in an Exclusive Farm Use (EFU) zone as part of the marijuana production use:
 - (i) If the processing facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility
 - (ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A processing facility or establishment must comply with all applicable siting standards.
- (150) Marijuana production.

- (a) A use where a marijuana producer, produces marijuana. This use is considered a farm use, as that term is defined in ORS 215.203. Additionally, the mature marijuana is considered a crop and farm product as it related to the terms “farm”, and “farming practice”, as those terms are applied in ORS 30.930.
- (b) Drying and storage of marijuana by a marijuana producer is considered “preparation” of a farm product and is included as part of the definition of farm use in OAR 660-033-0020(7)(b)(A).
- (c) “Preparation” of a farm product also includes cleaning, treatment, sorting, or packaging.
- (d) Wholesale distribution of a farm crop is allowed as part of a farm use, as defined in ORS 215.203(2)(a) as “disposal by marketing or otherwise of the products...”.
- (e) For the purpose of this definition the term “produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42))
 - (i) The definition of “produces” does not include:
 - (aa) Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.
 - (bb) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.
- (f) For the purpose of this definition the term “marijuana producer” means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))
- (151) Marijuana research. A use that includes those activities specified in an OLCC approved research proposal that are conducted by qualified public or private researchers that are in possession of a valid OLCC Marijuana Research Certificate pursuant to ORS 845-025-5300.
- (152) Marijuana retail sales. A use where marijuana is bought and sold by a marijuana retailer.
 - (a) For the purpose of this definition the term “marijuana retailer” means a person who sells marijuana items to a consumer in the State of Oregon. (OAR 845-025-1015(30))
- (153) Marijuana testing laboratory. A use that includes the testing of marijuana in a laboratory certified by the authority under ORS 438.605 to 438.620 and for the purposes specified within OAR 845-025.
- (154) Marijuana wholesale distribution. A use where marijuana is bought and sold by a marijuana wholesaler. This use includes packaging and labeling.
 - (a) For the purpose of this definition the term “marijuana wholesaler” means a person who purchases marijuana items in the State of Oregon for resale to a person other than a consumer. (OAR 845-025-1015(31))
- (155) Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the

- case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.
- (156) Mining. All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.
- The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.
- (157) Minor Navigational Improvements. Alterations necessary to provide water access to existing or permitted uses in conservation management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.
- (158) Mitigation. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); the creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.
- (159) Mobile Home. A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- (160) Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.
- (161) Natural Areas. Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural historical, scientific, or paleontological features, or for the appreciation of natural features.
- (162) Natural Hazards. Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and

- deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.
- (163) Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that as defined by "Residential Home".
- (164) Ocean Flooding. The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.
- (165) 100 Year Flood. See "Base Flood".
- (166) Ordinary High Water Line. The ordinary high water line is defined as the line on the bank or shore of a river or water body which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, the ordinary high water line may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.
- (167) Ordinary Low Water Line. The ordinary low water line of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers' flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high water line.
- (168) Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.
- (169) Outdoor Mass Gathering. A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).
- (170) Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.
- (171) Parcel.

- (a) Includes a unit of land created:
 - (i) by partitioning land as defined in LC 16.090,
 - (ii) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
 - (iii) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
 - (b) It does not include a unit of land created solely to establish a separate tax account.
- (172) Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.
- (173) Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.
- (174) Parking Area, Public. Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.
- (175) Parking Space. A permanently maintained space with proper access for one standard sized automobile.
- (176) Partition. Either an act of partitioning land or an area or tract of land partitioned.
- (177) Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:
- (a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
 - (b) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;
 - (c) Dividing land as a result of the recording of a subdivision or condominium plat;
 - (d) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
 - (e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

- (178) Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board of Commissioners and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.
- (179) Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.
- (180) Personal Services. Laundering, dry cleaning and dyeing; rug cleaning and repair; photographic services; beauty and barber shops; apparel repair and alterations; shoe repair and maintenance; etc.
- (181) Planning Commission. The Planning Commission of Lane County, Oregon.
- (182) Plat. A final diagram and other documents relating to a subdivision.
- (183) Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.
- (184) Preparation. See “farm use” definition.
- (185) Primary Processing Facility. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this definition, means timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.
- (186) Processed. As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.
- (187) Professional Services. Medical and health services, legal services and other professional services, including those related to: engineering, architecture, education, scientific research, accounting, planning, real estate, etc.
- (188) Property Line. “Property line” means the division line between two units of land.
- (189) Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.
- (190) Received. Acquired by or taken into possession by the Director.
- (191) Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.
- (a) Low-Intensity Recreation. Activities that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.

- (b) **High-Intensity Recreation.** Uses specifically built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, concentrated OHV use, golf courses, public beaches, and marinas are examples of high-intensity recreation.
- (192) **Recreational Vehicle.** A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.
- (193) **Recreational Vehicle Park.** A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.
- (194) **Refinement Plan.** Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.
- (195) **Removal.** The act of removing or fact of being removed by a person: i.e., to cut the main stem or trunk of vegetation or to spray the foliage of vegetation which results in the significant loss of growth or health or the death of vegetation; to mechanically or manually disrupt or dislodge the root structure of vegetation resulting in significant loss of growth or health or causing the death of vegetation.
- (196) **Replacement in Kind.** The replacement of a structure of the same size as the original and at the same location on the property as the original.
- (197) **Residential Care Facility.** As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.
- (198) **Residential Home.** As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

- (199) Restoration, Active. Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.
- (200) Restoration, Estuarine. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.
- (201) Restoration, Passive. The use of natural processes, sequences and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.
- (202) Restoration, Shorelands. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD); shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.
- (203) Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.
- (204) Roadside Stand. A use providing for the retail sale of any agricultural produce where more than one-half of the gross receipts result from the sale of produce grown on the unit of land where the roadside stand is located.
- (205) Rural Land. Land outside urban growth boundaries that is:
- (a) Non-urban agricultural, forest or open space;
 - (b) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or
 - (c) In an unincorporated community.
- (206) School. A place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of Education is provided.
- (207) Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

- (208) Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.
- (209) Setback/Set Back. The horizontal separation between two or more specified features. The setback is a straight line perpendicular to one of the features separated by the required setback distance, unless otherwise noted in Lane Code Chapter 16.
- (210) Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.
- (a) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.
- (b) Sewerage Facility, Individual. A privately owned sewage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.
- (c) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided for or is available for public use.
- (211) Shelter Home. A certified foster home or a licensed facility contracted with the state Childrens' Services Division for the purpose of safekeeping of children taken into temporary custody pending investigation and disposition, where the circumstances are such that the children need not be kept in secure custody.
- (212) Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.
- (213) Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot.
- (214) Solid Waste Management. A planned program providing for the collection, storage and disposal of solid waste including, where appropriate, recycling and recovery.
- (215) Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a

- basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- (216) State Plane Coordinate System. The system of plane coordinates which has been established by the U.S. Coast & Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Oregon.
- (217) Structure. Synonymous with the definition of building.
- (218) Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.
- (219) Structure or Facility that Provides Water-Dependent Access. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.
- (220) Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.
- (221) Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.
- (222) Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.
- (223) Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (224) Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time THAT is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) Alterations necessary for federally authorized projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other

- exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.
- (225) Tidal Marsh. Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.
- (226) Tract.
- (a) A lot or parcel as defined in LC 16.090.
 - (b) For the purposes of LC 16.211, “Tract” means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage because it is crossed by a public road or waterway.
- (227) Topographic Modification. Any change made to the natural land surface, including grading, excavation, filling, and the removal of vegetation that alters the original contours or elevation of the site.
- (228) Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.
- (229) Urbanizable. Those lands within an urban growth boundary and which are identified and (a) determined to be necessary and suitable for future urban use areas, and (b) can be served by urban services and facilities, and (c) are needed for the expansion of an urban area.
- (230) Use. The purpose for which land, submerged or submersible lands, the water surface or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.
- (231) Vegetation Removal/Removal of Vegetation. Means the removal of plant roots from the ground; the removal or damage of any live plant material, such as cutting, pulling, grading, trampling, girdling, application of herbicides, burning, and placement of a physical barrier in the form of ground covering; and ground disturbance such as grading or resurfacing, and depositing of gravel or other fill material.
- (232) Veterinary Clinic. Synonymous with the definition of “animal hospital.”
- (233) Water Dependent Use. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.
- (a) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); the following definitions apply:
 - (i) “Access” means physical contact with or use of the water;
 - (ii) “Energy production” means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);
 - (iii) “Recreation” means water access for fishing, swimming, boating, or similar. Recreation uses are water dependent only if use of the water is an integral part of the activity.

- (iv) “Requires” means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;
- (v) “Source of water” means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.
- (vi) “Water-borne transportation” means use of water access:
 - (aa) Which are themselves transportation (e.g., navigation);
 - (bb) Which require the receipt of shipment of goods by water; or
 - (cc) Which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, terminal and transfer facilities.
- (b) Typical examples of “water dependent uses” include the following:
 - (i) Aquaculture.
 - (2) Certain scientific and educational activities which, by their nature, require access to coastal waters, estuarine research activities and equipment mooring and support.
 - (3) Commercial. Commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.
 - (4) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not “water dependent uses” include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.
 - (5) Industrial. Manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.
 - (6) Recreational. Recreational marinas, boat ramps and support.
- (234) Water Oriented Use. A use whose attraction to the public is enhanced by a view of or access to coastal waters.
 - (a) Water Related Use. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result in public loss of quality in the goods or services offered. Except as necessary for water dependent or water related uses or facilities, residences, parking lots, spoil or dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.
- (235) Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

- (236) Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines.
- (237) Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided herein.
- (238) Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.
- (239) Yard, Rear. An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.
- (240) Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot.
- (241) Youth Camp. A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.
- (242) Yurt. A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16; 18-07, 12.27.18; 20-05, 6.16.20; 20-06, 6.16.20)

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

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16.210 Nonimpacted Forest Lands (F-1, RCP)

(1) Purpose

The purpose of the Nonimpacted Forest Land (F-1) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-1 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-1 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-1 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size, prohibition of new dwellings, and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.210-1 sets forth the uses allowed in the F-1 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.210-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.210.

As used in Table 16.210-1:

- (a) Use Type:
 - (i) "A" means the use is allowed outright or permitted subject to standards.
 - (ii) "C" means the use is a Conditional Use, subject to Section (4) and other listed criteria.
- (b) Local Procedure Type:
 - (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) "AL" means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The "Subject To" column identifies any specific provisions of LC 16.210 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.210(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.210(5) and (6). Any new structure subject to LC 16.210(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations 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	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
2.	Residential Uses			
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(m), (5), (6)
2.2.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(a), (3)(m)-(o), (5), (6)
2.3.	Temporary hardship dwelling	C	II	(3)(b), (3)(m), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	Home occupations	C	II	(3)(c), (4)
3.6.	Permanent facility for the primary processing of forest products	C	II	(3)(h), 0, (5), (6)
3.7.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.8.	Private seasonal accommodations for fee hunting operations	C	II	(3)(d), (4), (5), (6)
3.9.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(o), (4), (5), (6)
3.10.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	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	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	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	A	P	
5.5.	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	A	P	

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(i), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(i), (4)
5.19.	Continuous median turn lanes	C	II	(3)(i), (4)

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.20.	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	C	II	(3)(i), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.210 that serve local travel needs	C	II	(3)(i), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm irrigation and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and 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;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(f), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(i), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(g), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(k), (4), (5), (6)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995

Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(l)
9.	Accessory Uses			
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.210.	A	P or II	(3)(o), (5), (6)

(3) Use Standards

- (a) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:
 - (i) The dwelling was lawfully established;
 - (ii) The lawfully established dwelling:
 - (aa) Has intact exterior walls and roof structures;
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Has interior wiring for interior lights; and
 - (dd) Has a heating system;
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- (b) A temporary hardship dwelling is subject to the following:

- (i) One manufactured dwelling (MH), or recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;
 - (bb) Except as provided in (3)(b)(i)(cc) below, approval of a temporary hardship dwelling permit is 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 requirement;
 - (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
- (ii) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons; and
- (iii) A temporary hardship dwelling approved under (3)(b) above cannot be eligible for replacement under (3)(b) above.
- (c) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-1 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.210;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and

- (vi) Not be used as a justification for a zone change.
- (d) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (e) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
 - (i) Accommodations 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 occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (f) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (g) Private Parks and Private Campgrounds.
 - (i) Campgrounds in private parks may be permitted, subject to the following:
 - (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must 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;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;

- (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(g)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (h) Permanent facility for the primary processing of forest products.
 - (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(h)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (i) Certain transportation facilities and uses must 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. Lane County 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.
- (j) Youth Camps

- (i) The purpose of a youth camp 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. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
- (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(j)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County 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 paragraph (3)(j)(ii)(bb).
 - (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
 - (dd) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 - (ee) A campground as described in Subsection (3)(g) cannot be established in conjunction with a youth camp.
 - (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
 - (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:
 - (aa) 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 is 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.
 - (bb) Is at least 40 acres in size.

- (cc) 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 must 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 is 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:
 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - (dd) 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 governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:
- (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not 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.
 - (bb) Primary cooking and eating facilities must 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 are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 - (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.

- (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
- (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
- (ff) Covered areas that are not fully enclosed.
- (gg) 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.
- (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:
 - (aa) The fire siting standards in Section (6).
 - (bb) A fire safety protection plan must be developed for each youth camp that includes the following:
 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - (cc) Except as determined under paragraph (3)(j)(v)(dd), a youth camp's on-site fire suppression capability must at least include:
 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and

- (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
- (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability must 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 ODF and not served by a local structural fire protection provider.
- (ee) The provisions of paragraph (3)(j)(v)(dd) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs Lane County in writing that on-site fire suppression at the camp is not needed.
- (vi) The Director, or its designate, requires 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.
- (k) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and

- (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.
- (vii) As used in this section, “storage structures for emergency supplies” means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- (l) Any Outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.
- (m) For single-family dwellings, the landowner must sign and record in the deed records for the County 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.
- (n) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (o) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.210(5)(a). For the purpose of LC 16.210(3)(o), the “same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.210-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

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

- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.3, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.210. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by nonforest uses;
 - (iii) Where possible, when considering LC 16.210(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot 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.
 - (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).
 - (iii) The minimum distance necessary to comply Sections (5)(a) and (6).

- (iv) **Riparian Setback Area.** A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards is approved in accordance with LC 16.253(6). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) **Domestic Water Supplies.** For new dwellings and non-farm structures on vacant land, evidence must 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 must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.210(5)(c) above, evidence of domestic water supply means:
 - (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.
- (d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (e) Approval of a dwelling is subject to the following requirements:
 - (i) Approval of a dwelling requires the owner of the tract to 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 must notify the County Assessor of the above condition at the time the dwelling is approved.
 - (iii) Stocking survey report:

- (aa) If the lot or parcel is more than ten acres, the property owner must 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
 - (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.
- (f) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line;
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
 - (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.210:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;

- (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).
- (b) Fire Safety Design Standards for Roads and Driveways.
 - (i) 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 firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein, "driveway" means a way of access used for only one dwelling.
 - (ii) Road and Driveway Surfaces. Roads must 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 must 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 must have a vertical clearance of 13 feet 6 inches.
 - (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:

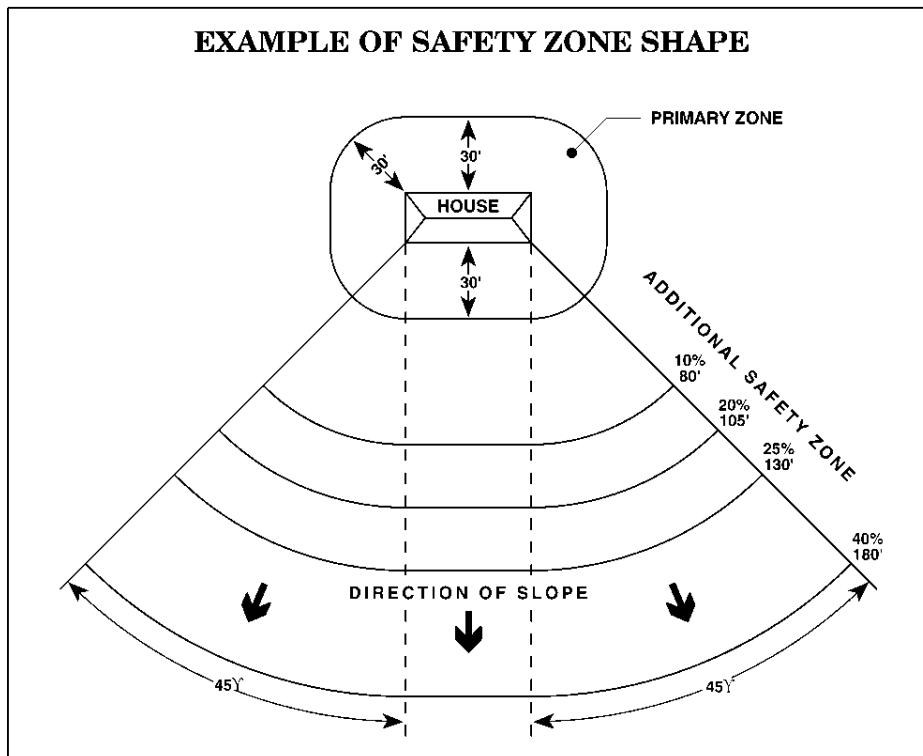
- (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They must be constructed to the standards for driveways in LC 16.210(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must 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 must 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 must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
- (cc) Cul-de-sacs or hammerhead turnarounds cannot 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.
- (iv) Bridges and Culverts. Bridges and culverts must 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.
- (v) Road and Driveway Grades. Road and driveway grades cannot 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 firefighting equipment of the agency providing fire protection to access: the use, firefighting equipment, and water supply.
- (vi) Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.

- (vii) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must 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.
- (viii) Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) 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 firefighting equipment from its point of origination to its point of destination.
- (c) Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.
 - (i) 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, unless otherwise specifically stated in LC 16.210. 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 must 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 must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
 - (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.210-2 Minimum Primary Safety Zone

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

Figure 16.210-1



- (ii) **Secondary Safety Zone.** The secondary safety zone is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary safety zone 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 safety zone must be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees must be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels must be removed.

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Nonimpacted Forest Land (F-1) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.

- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:
- (i) The following uses in Table 16.210-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - (bb) Use 1.4. Log scaling and weigh stations
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.
 - (dd) Use 3.8. Permanent logging equipment repair and storage.
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - (gg) Use 6.4. Television, microwave and radio communication facilities and transmission towers.
 - (hh) Use 6.7. Reservoirs and water impoundments
 - (ii) Use 6.8. Commercial power generating facilities
 - (jj) Use 7.3. Aides to navigation and aviation
 - (kk) Use 7.4. Firearms training facilities
 - (ll) Use 7.5. Fire stations for rural fire protection
 - (mm) Use 7.6. Cemeteries.
 - (nn) Use 7.7. Public parks
 - (oo) Use 7.8. Private parks and campgrounds
 - (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
 - (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and

- (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (cc) Restrictions
 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the 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.
- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

- (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (iv) To allow a division of a lot or parcel zoned for forest use if:
 - (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(a)(i);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and
 - (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland 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.
 - (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- (v) 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 (aa) through (dd) below:
 - (aa) 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:

- (A) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
- (bb) Before approving a proposed division of land under this section, the Planning Director must 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:
 - (A) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and
 - (B) 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.
- (cc) If a proposed division of land under (7)(b)(v) 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.
- (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.
- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-1 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:
 - (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

- (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16. *(Revised: Ordinance: 20-06, Date Passed: 6.16.20)*

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PAGES 16-87 THROUGH 16-91
ARE RESERVED FOR FUTURE EXPANSION

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

F-2 Zone Table of Contents

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16.211 Impacted Forest Lands (F-2, RCP)

(1) Purpose

The purpose of the Impacted Forest Land (F-2) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-2 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-2 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-2 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.211-1 sets forth the uses allowed in the F-2 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.211-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.211.

As used in Table 16.211-1:

- (a) Use Type:
 - (i) “A” means the use is allowed outright or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (4) and other listed criteria.
- (b) Local Procedure Type:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) “AL” means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The “Subject To” column identifies any specific provisions of LC 16.211 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.211(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.211(5) and (6). Any new structure subject to LC 16.211(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4), “...discretionary approval of a proposed development of land...” an owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.211-1: Use Table for Impacted Forest Zones				
I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations 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	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)
2.	Residential Uses			

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(p), (5), (6)
2.2.	Large tract forest dwelling	A	II	(3)(a), (3)(p), (3)(q), (5), (6)
2.3.	Lot of record dwelling	A	II	(3)(b), (3)(p), (3)(q), (5), (6)
2.4.	Template dwelling	A	II	(3)(c), (3)(p), (3)(q), (5), (6)
2.5.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(d), (3)(p), (3)(r), (5), (6)
2.6.	Temporary hardship dwelling	C	II	(3)(e), (3)(p), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(g)
3.6.	Home occupations	C	II	(3)(e), (4)
3.7.	Permanent facility for the primary processing of forest products	C	II	(3)(k), (4), (5), (6)

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.8.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.9.	Private seasonal accommodations for fee hunting operations	C	II	(3)(g), (4), (5), (6)
3.10.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(h), (4), (5), (6)
3.11.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	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	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	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	A	P	
5.5.	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	A	P	
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(I), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(I), (4)
5.19.	Continuous median turn lanes	C	II	(3)(I), (4)
5.20.	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	C	II	(3)(I), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(I), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation, Solid Waste			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm on and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and 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;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(i), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(m), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(j), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(n), (4), (5), (6)
8.	Outdoor Gatherings			

Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(o)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.211.	A	P or II	(3)(r), (5), (6)

(3) Use Standards

- (a) A large tract forest dwelling may be allowed on a lot or parcel zoned for forest use, but it must comply with other provisions of law, including the following:
 - (i) The tract does not include a dwelling.
 - (ii) The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in Lane County or adjacent counties and zoned for forest use.
 - (aa) A tract cannot be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.
 - (iii) Prior to issuance of a building permit, a deed restriction must be filed for all tracts that are used to meet the acreage requirements of this subsection pursuant to:
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located.

- (bb) 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.
- (b) A lot of record dwelling may be allowed on a lot or parcel zoned for forest use pursuant to the following:
 - (i) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (iv):
 - (aa) Since prior to January 1, 1985; or
 - (bb) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;
 - (ii) The tract on which the dwelling will be sited does not include a dwelling;
 - (iii) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - (iv) For purposes of this subsection, "owner" includes the 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;
 - (v) The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined in LC Chapter 15 that provides or will provide access to the subject tract. The road must be maintained and either paved or surfaced with rock and cannot be:
 - (aa) A United States Bureau of Land Management road; or
 - (bb) 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;
 - (vi) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract must be consolidated into a single lot or parcel when the dwelling is allowed; and

- (vii) When the lot or parcel on which the dwelling will be sited lies within an area designated in the Rural Comprehensive Plan as habitat of big game, the siting of the dwelling must be consistent with the limitations on density upon which the Rural Comprehensive Plan and land use regulations intended to protect the habitat are based.
- (c) A single family "template" dwelling authorized on a lot or parcel located within a forest zone pursuant to the following:
 - (i) If the lot or parcel is predominantly composed of soils that are:
 - (aa) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
 - (A) 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; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (bb) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) 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; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (cc) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (ii) Lots or parcels within urban growth boundaries cannot be used to satisfy the eligibility requirements of subsection (i) above;
 - (iii) A dwelling, as used in subsection (i) above, is considered to be in the 160-acre template if any part of the parcel is in the 160-acre template;

- (iv) Except as provided by subsection (v) below, if the subject tract abuts a road that existed on January 1, 1993, the measurement required in (i) above may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;
- (v) The following applies where a tract 60 acres or larger abuts a road or perennial stream:
 - (aa) The measurement must be made in accordance with paragraph (iv). However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:
 - (A) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract;
 - (bb) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling;
- (vi) A proposed "template" dwelling under this section is not allowed:
 - (aa) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph (3)(a)(iii) for the other lots or parcels that make up the tract are met; or
 - (bb) If the tract on which the dwelling will be sited includes a dwelling;
- (vii) Where other lots or parcels that make up a tract in Subsection (vi):
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located;
 - (bb) 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;

- (viii) The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions, and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.
- (d) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:
 - (i) The dwelling was lawfully established;
 - (ii) The lawfully established dwelling:
 - (aa) Has intact exterior walls and roof structures;
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Has interior wiring for interior lights; and
 - (dd) Has a heating system;
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- (e) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling (MH), recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;
 - (bb) Except as provided in (3)(e)(i)(cc) below, approval of a temporary hardship dwelling permit is 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 requirement;

- (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use or demolished; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
 - (ii) As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons; and
 - (iii) A temporary hardship dwelling approved under (3)(e) above cannot be eligible for replacement under (3)(d) above.
- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-2 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.211;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
- (g) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (h) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
 - (i) Accommodations 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 occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (i) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (j) Private Parks and Private Campgrounds.
 - (i) Campgrounds in private parks may be permitted, subject to the following:
 - (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must 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;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;
 - (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(j)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (k) Permanent facility for the primary processing of forest products.
 - (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or

- (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(k)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (l) Certain transportation facilities and uses must 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.
- (m) Youth Camps
 - (i) The purpose of a youth camp 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. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
 - (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(m)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County 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 paragraph (3)(m)(ii)(aa).

- (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
- (dd) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (ee) A campground as described in Subsection (3)(j) cannot be established in conjunction with a youth camp.
- (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
- (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:
 - (aa) 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 is 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.
 - (bb) Is at least 40 acres in size.
 - (cc) 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 must 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 is 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:
 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

- (dd) 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 governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:
 - (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not 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.
 - (bb) Primary cooking and eating facilities must 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 are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 - (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.
 - (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
 - (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
 - (ff) Covered areas that are not fully enclosed.
 - (gg) 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.
 - (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:
 - (aa) The fire siting standards in Section (6).
 - (bb) A fire safety protection plan must be developed for each youth camp that includes the following:
 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - (cc) Except as determined under paragraph (3)(m)(v)(dd), a youth camp's on-site fire suppression capability must at least include:
 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and
 - (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
 - (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability must 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 ODF and not served by a local structural fire protection provider.
 - (ee) The provisions of paragraph (3)(m)(v)(dd) may be waived by the governing body, or its designate, 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.

- (vi) The Director, or its designate, requires 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.
- (n) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.
 - (vii) As used in this section, "storage structures for emergency supplies" means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- (o) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.
- (p) For single-family dwellings, the landowner must sign and record in the deed records for the County 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.
- (q) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (r) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.211(5)(a). For the purpose of LC 16.211(3)(r), the "same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.211-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.6, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.211. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director

must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by non-forest uses;
 - (iii) Where possible, when considering LC 16.211(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot 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.
 - (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).
 - (iii) The minimum distance necessary to comply Sections (5)(a) and (6).
 - (iv) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards is approved in accordance with LC 16.253(6). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must 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 must 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(5)(c) above, evidence of domestic water supply means:

- (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.
- (d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (e) Approval of a dwelling is subject to the following requirements:
 - (i) Approval of a dwelling requires the owner of the tract to 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 must notify the County Assessor of the above condition at the time the dwelling is approved.
 - (iii) Stocking survey report:
 - (aa) If the lot or parcel is more than ten acres, the property owner must 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
 - (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.
- (f) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line;

- (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
- (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.211:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;
 - (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).
- (b) Fire Safety Design Standards for Roads and Driveways.

- (i) 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 firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting 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.
- (ii) Road and Driveway Surfaces. Roads must 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 must 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 must have a vertical clearance of 13 feet 6 inches.
- (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must 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) must 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 must be constructed to the standards for driveways in LC 16.211(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must 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 must 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 must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

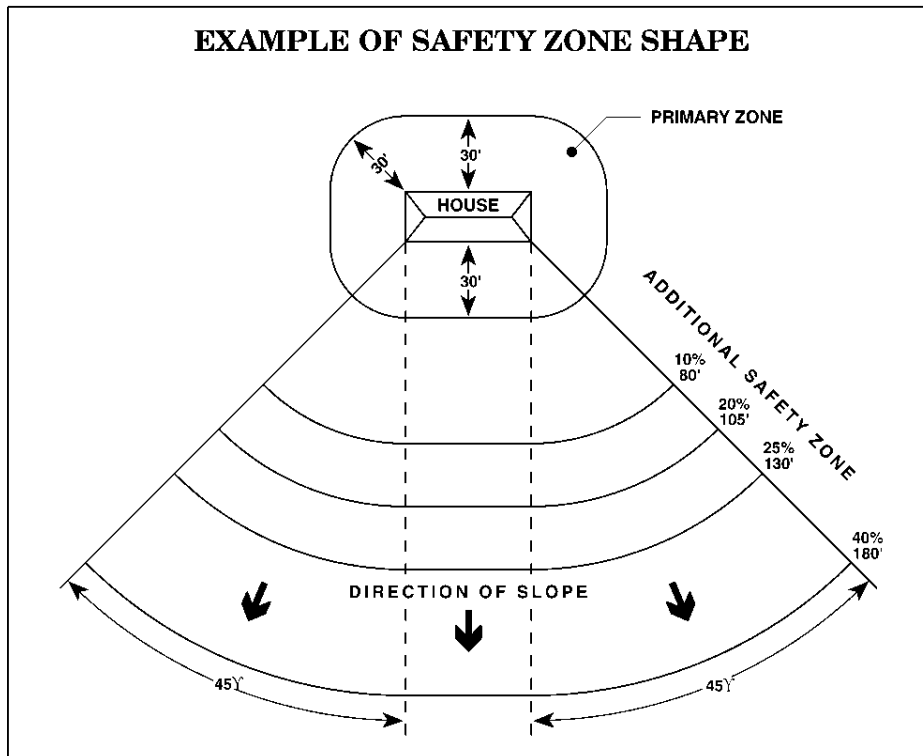
- (cc) No cul-de-sacs or hammerhead turnarounds must be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.
- (iv) Bridges and Culverts. Bridges and culverts must 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.
- (v) Road and Driveway Grades. Road and driveway grades cannot 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 firefighting equipment of the agency providing fire protection to access the use, firefighting equipment and water supply.
- (vi) Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.
- (vii) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must 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.
- (viii) Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) 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 firefighting equipment from its point of origination to its point of destination.
- (c) Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.

- (i) **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, unless otherwise specifically stated in LC 16.211. 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 must 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 must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
- (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.211-2 Minimum Primary Safety Zone

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

Figure 16.211-1



- (ii) **Secondary Safety Zone.** The secondary safety zone is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary safety zone 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 safety zone must be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees must be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels must be removed.

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.

- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:
- (i) The following uses in Table 16.211-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - (bb) Use 1.4. Log scaling and weigh stations
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.
 - (dd) Use 3.8. Permanent logging equipment repair and storage.
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - (gg) Use 6.3. Television, microwave and radio communication facilities and transmission towers.
 - (hh) Use 6.6. Reservoirs and water impoundments
 - (ii) Use 6.7. Commercial power generating facilities
 - (jj) Use 7.3. Aides to navigation and aviation
 - (kk) Use 7.4. Firearms training facilities
 - (ll) Use 7.5. Fire stations for rural fire protection
 - (mm) Use 7.6. Cemeteries.
 - (nn) Use 7.7. Public parks
 - (oo) Use 7.8. Private parks and campgrounds
 - (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
 - (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and

- (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (cc) Restrictions
 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the 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.
- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

- (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (iv) To allow a division of a lot or parcel zoned for forest use if:
 - (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(d)(ii);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and
 - (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland 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.
 - (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- (v) 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 (aa) through (dd) below:
 - (aa) 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:

- (A) 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;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
- (bb) Before approving a proposed division of land under this section, the Planning Director must 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:
 - (A) 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
 - (B) 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.
- (cc) If a proposed division of land under (7)(b)(v) 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.
- (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.
- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-2 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:
 - (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

- (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16. *(Revised by Ordinance: 20-06, Effective: 6.16.20)*

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ARE RESERVED FOR FUTURE EXPANSION

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

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16.212 Exclusive Farm Use Zone (EFU-RCP)**(1) Purpose**

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The EFU zone has been applied to lands designated as Agriculture in the Rural Comprehensive Plan. The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

(2) Definitions

For the purpose of LC 16.212, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- (a) Agri-tourism. "Agri-tourism" means a common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals..
- (b) Associated Transmission Lines. "Associated transmission lines" means transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.
- (c) Farm Operation. "Farm Operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use as defined in ORS 215.203.
- (d) Farm Operator. "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.

- (e) Golf course. 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" for purposes of LC 16.212 means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
- (i) 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;
 - (ii) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
 - (iii) Non-regulation golf courses are not allowed. "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 three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
- (f) High Value Farmland. "High value farmland" means land in a tract composed predominantly of soils that are:
- (i) Irrigated and classified prime, unique, Class I or II; or
 - (ii) Not irrigated and classified prime, unique, Class I or II.
 - (iii) In addition to that land described in (2)(f)(i) and (2)(f)(ii) above, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa;
 - (iv) 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 (2)(f)(i) and (2)(f)(ii) and the following soils:

- (aa) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hultt, 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.
- (v) In addition to that land described in (2)(f)(i) and (2)(f)(ii) 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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
- (aa) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
 - (bb) Subclassification IIIw, specifically, Brenner and Chitwood;
 - (cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
 - (dd) Subclassification IVw, specifically, Coquille.
- (vi) In addition to that land described in (2)(f)(i) and (2)(f)(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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
- (aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;
 - (bb) Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and

- (cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.
- (vii) 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.”
- (g) Net Metering Power Facility. “Net metering power facility” means a facility for the production of energy that:
 - (i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.213(1)(u) in the Exclusive Farm Use zone;
 - (ii) Is intended to offset part of the customer-generator’s requirements for energy;
 - (iii) Will operate in parallel with a utility’s existing transmission and distribution facilities;
 - (iv) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations; and
 - (v) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (h) Non-Commercial/Stand Alone Power Generating Facility. “Non-commercial/stand-alone power generating facility” means a facility for the production of energy that:
 - (i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and ORS 215.213(1)(u) in the Exclusive Farm Use zone;
 - (ii) Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;

- (iii) Operates as a standalone power generator not connected to a utility grid; and
- (iv) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (i) Relative. A child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew, or first cousin of the farm operator or the farm operator's spouse.

(3) Use Table

Table of Permitted Uses

Table 16.212-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the farm districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.212-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.212-1:

- (a) Uses:
 - (i) "A" means the use is outright allowed or permitted subject to standards.
 - (ii) "C" means the use is a Conditional Use, subject to Section (5)
 - (iii) "X" means use is not allowed.
 - (iv) "HV" means when a property is predominately composed of High Value Soils, as defined in LC 16.212(2)(f).
 - (v) "Non-HV" means when a property is predominately composed of Non-High Value Soils, as defined in LC 16.212(2)(f).
- (b) Procedures:
 - (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).

- (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
 - (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
 - (v) "AL" means Assembly License, subject to LC 3.995.
 - (vi) "X" means no new use is allowed.
- (c) The "Subject To" column identifies any specific provisions of LC 16.212 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.212(15).
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4). "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.	Farm, Forest, and Natural Resource Uses					
1.1.	Farm use	A	P	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	A	P	
1.3.	Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract	A	P	A	P	
1.4.	Nonresidential buildings customarily provided in conjunction with farm use	A	P	A	P	
1.5.	Creation of, restoration of, or enhancement of wetlands	A	P	A	P	

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products as defined in ORS 603.038 within a calendar year	A	I	A	I	(4)(a)
1.7.	A facility for the primary processing of forest products	A	II	A	II	(4)(b), (5)
1.8.	The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species	C	II	C	II	(4)(c), (5)
1.9.	Marijuana production	A	I	A	I	LC 16.420
1.10.	Marijuana wholesale distribution	A	I	A	I	LC 16.420
1.11.	Marijuana research	A	I	A	I	LC 16.420
1.12.	Marijuana processing	A	II	A	II	(4)(a), LC 16.420
2.	Residential Uses					
2.1.	Primary farm dwelling	A	II	A	II	(4)(y), (7)
2.2.	Woodlot operation dwelling	X	X	C	II	(4)(y), (7)(g), (7)(h), (5)
2.3.	Relative farm help dwelling	A	II	A	II	(4)(y), (8)(b)

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
2.4.	Accessory farm dwelling for year-round and seasonal farm workers	A	II	A	II	(4)(y), (8)(a)(a)
2.5.	Non-farm dwelling on High Value Farmland	A	II	X	X	(4)(y), (9)
2.6.	Non-farm dwelling on Non-high Value Farmland	X	X	A	II	(4)(y), (10)
2.7.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	A	I or II	(4)(y), (4)(bb), (6)(a)-(d)
2.8.	Replacement dwelling for historic property	A	II	A	II	(4)(y), (6)(e)
2.9.	Temporary hardship dwelling	C	II	C	II	(4)(y), (5), (8)(c)
2.10.	Residential home as defined in ORS 197.660, in existing dwellings	C	II	C	II	(4)(y), (5)
2.11.	Room and board arrangements for a maximum of five unrelated persons in existing residences	C	II	C	II	(4)(z), (5)
3.	Commercial Uses					
3.1.	Dog training classes or testing trials	A	I	A	I	(4)(d)
3.2.	Farm stand	A	I	A	I	(4)(e)
3.3.	Small Winery or Cider Business	A	I or II	A	I or II	(11)(a)
3.4.	Large Winery	A or C	I or II	A or C	I or II	(11)(b)
3.5.	Agri-tourism and other commercial events or activities that are related to and supportive of agriculture	A	II	A	II	(12)
3.6.	Parking of up to seven log trucks	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
3.7.	Home occupations	C	II	C	II	(4)(f), (5)
3.8.	Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Use 3.1	C	II	C	II	(5)
3.9.	A landscape contracting 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	C	II	C	II	(5)
3.10.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Use 1.7, but excluding activities in conjunction with a marijuana crop	C	II	C	II	(4)(aa), (5)
4.	Mineral, Aggregate, Oil and Gas Uses					
4.1.	Operations for the exploration for and production of geothermal resources in accordance with 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 well head	A	P	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
4.4.	Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources	C	II	C	II	(4)(h), (5)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	II	C	II	(4)(g), (5)
4.6.	Processing of other mineral resources and other subsurface resources	C	II	C	II	(5)
5.	Transportation Uses					
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	A	P	
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	A	P	
5.4.	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	A	P	A	P	

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.5.	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	A	P	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	A	P	
5.7.	Changes in the frequency of transit, rail and airport services	A	P	A	P	
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.10.	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	C	II	C	II	(5)
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	C	II	(5)
5.12.	Park and ride lots	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.13.	Railroad mainlines and branch lines	C	II	C	II	(5)
5.14.	Pipelines	C	II	C	II	(5)
5.15.	Navigation channels	C	II	C	II	(5)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	C	II	(4)(i), (5)
5.17.	Replacement of an intersection with an interchange	C	II	C	II	(4)(i), (5)
5.18.	Continuous median turn lanes	C	II	C	II	(4)(i), (5)
5.19.	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	C	II	C	II	(4)(i), (5)
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	C	II	(4)(i), (5)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	C	II	C	II	(4)(j), (5)
6.	Utility/Solid Waste Disposal Facilities					
6.1.	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505	A	P	A	P	

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.2.	Land application of reclaimed water, agricultural or industrial process water or bio solids, or the onsite treatment of septage prior to land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with use allowed by LC 16.212	A	II	A	II	(4)(k)
6.3.	Utility facility service lines	A	I	A	I	(4)(l)
6.4.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	II	A	II	(4)(m)
6.5.	Transmission towers over 200 feet in height	C	II	C	II	(5)
6.6.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	C	II	(13)(a), (5)
6.7.	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(b), (5)
6.8.	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(c), (5)
6.9.	A site for the disposal of solid waste 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 not on high value farmland	X*	X*	C	II	(5); or *(4)(z)

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.10.	Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060	X*	X*	C	II	(4)(n), (5); or *(4)(n)(ii), (4)(z)
6.11.	Change out to an existing telecommunication tower	P	I	P	I	(16)
6.12.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	P	I	P	I	FCC 14-153
6.13.	Collocation to an existing telecommunication tower	A	II	A	II	(16)
6.14.	New telecommunication tower or replacement tower not over 200 feet in height	C	III	C	III	(4)(m)(i), (5), (16)
7.	Parks/Public/Quasi-public Uses					
7.1.	Firearms training facility in existence on September 9, 1995	A	II	A	II	(4)(o), (4)(x)
7.2.	Fire service facilities providing rural fire protection services	A	P	A	P	
7.3.	Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306	A	P	A	P	
7.4.	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary	A	I	A	I	(4)(p)
7.5.	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306	C	II	C	II	(5)

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.6.	Living history museum	C	II	C	II	(4)(q), (4)(x), (5)
7.7.	Armed Forces Reserve Center	A	II	A	II	(4)(r), (4)(x)
7.8.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	C	II	C	II	(4)(x), (5)
7.9.	Public parks, public playgrounds, and public campgrounds	C	II	C	II	(4)(s), (4)(x), (5)
7.10.	Operations for the extraction and bottling of water	C	II	C	II	(5)
7.11.	Churches and cemeteries in conjunction with ORS 215.441	X*	X*	A	II	(4)(x); or *(4)(x), (4)(z)
7.12.	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school	X*	X*	C	II	(4)(t), (4)(x) , (5); or *(4)(x) , (4)(z) or *(4)(t), (4)(x) , (5)
7.13.	Private parks, private playgrounds, and private campgrounds	X*	X*	C	II	(4)(u), (4)(x), 0; or *(4)(x), (4)(z)

Table 16.212-1: Use Table for EFU Zones**I = Type I II = Type II III = Type III****P = Permitted Outright AL = Assembly License X = Prohibited**

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.14.	Private Hunting and Fishing Preserves	X*	X*	C	II	(4)(u), (4)(x), (5); or *(4)(x), (4)(z)
7.15.	Golf courses not on high-value farmland as defined in LC 16.212(2)(d) and ORS 195.300	X*	X*	C	II	0, (4)(x), (5);or *(4)(x) , (4)(z)
8.	Outdoor Gatherings					
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	C	III (LCPC)	(4)(w)
9.	Accessory Uses					
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.212	A	P or II	A	P or II	(4)(bb)

(4) Use Standards

- (a) A farm processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:
 - (i) The farm on which the farm processing facility is located must provide at least one-quarter of the farm crops processed at the facility. This provision does not apply to a poultry establishment.
 - (ii) If a building is established or used for the farm processing facility or poultry establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A farm processing facility or poultry establishment must comply with all applicable siting standards, but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
 - (iv) A division of a lot or parcel or a property line adjustment that separates a farm processing facility or poultry establishment from the farm operation on which it is located is prohibited.
- (b) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.
- (c) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture. The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture. Referral notice pursuant to LC Chapter 14 must be provided at least 20 calendar days prior to a decision or initial public hearing on the application.
- (d) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:

- (i) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 - (ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
- (e) A farm stand may be approved 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 percent of the total annual sales of the farm stand; 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 and livestock and does not include structures for banquets, public gatherings or public entertainment.
 - (iii) As used in this Section, "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.
 - (iv) As used in this Section, "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.
 - (v) As used in this Section, "local agricultural area" includes Oregon.
 - (vi) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
 - (vii) Farm Stand Development Standards
 - (aa) Adequate off-street parking will be provided pursuant to provisions of LC 16.250.
 - (bb) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

- (cc) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
- (dd) No farm stand building or parking is permitted within the right-of-way.
- (ee) Approval is required from the Road Authority regarding adequate egress and access. All egress and access points shall be clearly marked.
- (ff) Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within "vision clearance areas" at street intersections.
 - (A) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.
 - (B) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.
 - (C) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.
- (gg) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
- (hh) Signs are permitted consistent with LC 16.212(15)(b)(iii).
- (viii) Permit approval is subject to compliance with Lane County Environmental Health or Department of Agriculture requirements and with the development standards of this zone.
- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;

- (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.212;
 - (v) Comply with sanitation and building requirements prior to start of Home Occupation; and
 - (vi) Not to be used as a justification for a zone change.
- (g) New facilities 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.
- (h) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
- (i) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.
 - (ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.
- (i) Transportation facilities and uses 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.

- (j) 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.
- (k) Land application of reclaimed water, agricultural process or industrial process water or bio solids, or the onsite treatment of septage prior to the land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU zone is 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 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this paragraph, onsite treatment of septage prior to the land application of bio solids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of bio solids is authorized under the license, permit or other approval.
- (l) Utility facility service lines 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.
- (m) A utility facility that is necessary for public service.
 - (i) A utility facility is necessary for public service if the facility must be sited in the Exclusive Farm Use zone in order to provide the service.
 - (aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the Exclusive Farm Use zone due to one or more of the following factors:
 - (A) Technical and engineering feasibility;

- (B) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned Exclusive Farm Use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (C) Lack of available urban and nonresource lands;
 - (D) Availability of existing rights of way;
 - (E) Public health and safety; and
 - (F) Other requirements of state and federal agencies.
- (bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- (cc) The owner of a utility facility approved under Section (4)(n)(i) 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 this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- (dd) The County 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

- (ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under Table 16.212-1 uses 7.13 or 7.14, or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (5) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request, subject to a Type II review process, shall have no effect on the original approval.
- (ff) In addition to the provisions of Subsection (4)(m)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of OAR 660-011-0060.
- (gg) Notwithstanding Subsection (4)(m)(i)(aa) through (dd) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (hh) The provisions of Subsection (4)(m)(i)(aa) through (dd) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- (ii) In addition to the requirements in LC 16.212(4)(m)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(c), to be located on high value farmland shall comply with the requirements of (4)(m)(iii) below.
- (ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Section (4)(m)(ii)(aa) or Section (4)(m)(ii)(bb).
 - (aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - (A) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - (B) The associated transmission line is co-located with an existing transmission line;

- (C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - (D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.
- (bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (4)(m)(ii)(cc) and (dd), two or more of the following criteria:
- (A) Technical and engineering feasibility;
 - (B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - (D) Public health and safety; or
 - (E) Other requirements of state or federal agencies.
- (cc) As pertains to Section (4)(m)(ii)(bb), the applicant shall demonstrate how the proposal will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
- (dd) The County may consider costs associated with any of the factors listed in Section (4)(m)(ii)(bb), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

- (ee) In addition to the requirements in LC 16.212(4)(m)(i)(aa) or (bb) above, a utility facility that is an associated transmission line, as defined by ORS 215.274, to be located on high value farmland shall comply with the requirements of section (4)(m)(iii) below.
- (iii) The utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult.
- (n) Composting operations and facilities:
 - (i) Composting operations and facilities allowed on land not defined as high-value farmland must meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050, 340-096-0060, and ORS 215.401. Buildings and facilities used in conjunction with the composting operation must 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. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection (4)(z).
 - (aa) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:
 - (A) Meets the requirements of OAR 340-096-0150;
 - (B) Identifies the distance of the proposed operation to the nearest residential zone;
 - (C) Includes a complaint response protocol;
 - (D) Is submitted to the DEQ with the required permit application; and
 - (E) May be subject to annual review by the county to determine if any revisions are necessary.

- (bb) Compost operations subject to Section (4)(n)(i)(aa) include:
 - (A) A new disposal site for composting that sells, or offers for sale, resulting product; or
 - (B) An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - (C) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
 - (D) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- (ii) Composting operations and facilities allowed on high-value farmland are limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.
- (o) A firearms training facility in existence on September 9, 1995 shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.
 - (i) For the purpose of this Section (o), a 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;

- (p) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- (q) A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local 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. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65. A "living history museum" is defined as a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- (r) Armed forces reserve center that complies with these requirements:
 - (i) The center is within one-half mile of a community college; and
 - (ii) An "armed forces reserve center" includes an armory or National Guard support facility.
- (s) Public parks include:
 - (i) Only uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable; and
 - (ii) May be established consistently with ORS 195.120
- (t) Schools are subject to the following:

- (i) Schools as formerly allowed pursuant to ORS 215.213 that were established on or before January 1, 2009 may be expanded if the expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
 - (ii) Are used primarily for residents of the rural area in which the school is located.
- (u) Private Campgrounds are subject to the following:
 - (i) Except on a lot or parcel contiguous to a lake or reservoir, private 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 chapter 660, division 4.
 - (ii) 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.
 - (iii) Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - (iv) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - (v) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (vi).
 - (vi) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- (v) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

- (i) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. 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; or housing;
- (ii) Accessory uses 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., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
- (iii) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
- (iv) An existing golf course may be expanded consistent with the requirements of Section (5), but shall not be expanded to contain more than 36 total holes.
- (w) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.

- (x) Three-mile setback. For uses subject to this Subsection:
 - (i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - (ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.
 - (iii) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this Chapter.
- (y) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the County 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.
- (z) Expansion standards. Existing facilities wholly within the Exclusive Farm Use Zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.
- (aa) Commercial activities in conjunction with farm use may be approved when the commercial activity:
 - (i) Is either exclusively or primarily a customer or supplier of farm uses.
 - (ii) Is limited to providing products and services essential to the practice of agriculture directly to surrounding agricultural businesses that are sufficiently important to justify the resulting loss of agricultural land.
 - (iii) Enhances the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates.

- (bb) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.212(15)(a). For the purpose of LC 16.212(4)(bb), the “same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(5) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.212-1 of this Chapter must demonstrate compliance with the following criteria.

- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(6) Alteration, Restoration or Replacement of a Lawfully-Established Dwelling

- (a) A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the approval authority finds to its satisfaction, based on substantial evidence that:
 - (i) The dwelling to be altered, restored or replaced has, or formerly had:
 - (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.
 - (ii) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for:
 - (aa) The previous five property tax years; or
 - (bb) If the dwelling was constructed within the last five years, the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.
 - (cc) Notwithstanding (ii)(aa) and (bb) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

- (A) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - (B) The applicant establishes to the satisfaction of the approval authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
- (b) For replacement of a lawfully established dwelling under this section:
 - (i) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 - (aa) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - (bb) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 - (cc) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
 - (ii) The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished, or converted.
 - (iii) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the Planning Director, or the Director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.213 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

- (c) A 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. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - (i) The siting standards of Subsection (6)(c)(ii) apply when a dwelling qualifies for replacement because the dwelling:
 - (aa) Formerly had the features described in Subsection (6)(a)(i); or
 - (bb) Was removed from the tax roll as described in Subsection(6)(a)(iii).
 - (ii) The replacement dwelling must be sited on the same lot or parcel:
 - (aa) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 - (bb) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 - (iii) Replacement dwellings that currently have the features described in Subsection (6)(a)(i) and that have been on the tax roll as described in Subsection (6)(a)(ii)(cc) may be sited on any part of the same lot or parcel.
- (d) A replacement dwelling permit that is issued under Use 2.7:
 - (i) Is a land use decision and subject to review using Type II procedure according to LC Chapter 14 where the dwelling to be replaced:
 - (aa) Formerly had the features described in Subsection (6)(a)(i); or
 - (bb) Was removed from the tax roll as described in Subsection (6)(a)(ii)(cc);
 - (ii) Is not subject to the time to act limits of LC 14.090 and does not expire; and
- (e) A replacement dwelling for a historic dwelling permit reviewed under Use 2.8 is subject to the following requirements:
 - (i) The replacement dwelling must be in conjunction with a farm use.

- (ii) The existing dwelling is listed on the county and national inventory as historic property as defined in ORS 358.480.

(7) Dwellings Customarily Provided in Conjunction with Farm Use

- (a) Large Tract Standards. On land not identified as high-value farmland as defined in LC 16.212(2), a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The parcel on which the dwelling will be located is at least 160 acres.
 - (ii) The subject tract is currently employed for farm use.
 - (iii) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - (iv) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
- (b) Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned \$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 farms products and:
 - (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;
 - (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(b)(i); and
 - (iv) In determining the gross income required by Section (7)(b)(i):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

- (bb) Only gross income from land owned, not leased or rented, shall be counted; and
 - (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- (v) The lot or parcel is not smaller than the minimum lot size of the zone.
- (c) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
 - (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
 - (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(c)(i);
 - (iv) In determining the gross income required by Section (7)(c)(i):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (bb) Only gross income from land owned, not leased or rented, shall be counted; and
 - (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 - (v) The lot or parcel is not smaller than the minimum lot size of the zone.
- (d) Additional Farm Income Standards.
 - (i) For the purpose of Sections (7)(b) or (7)(c), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.

- (ii) Prior to the final approval for a dwelling authorized by Sections (7)(b) and (7)(c) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the County clerk the covenants, conditions, and restrictions form provided by the County (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
 - (aa) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - (bb) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary 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.
- (e) Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Sections (7)(b) or (7)(c) above, subject to the following requirements:
 - (i) The subject tract will be employed as a commercial dairy as defined in Subsection (vii);
 - (ii) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
 - (iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 - (iv) 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 to the operation of the commercial dairy farm;
 - (v) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 - (vi) The Oregon Department of Agriculture has approved the following:

- (aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (bb) A Producer License for the sale of dairy products under ORS 621.072.
- (vii) As used in this Section, "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 Subsections (7)(b) or (7)(c), whichever is applicable, from the sale of fluid milk.
- (f) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (7)(b) or (7)(c), whichever is applicable;
 - (ii) The subject lot or parcel on which the dwelling will be located is:
 - (aa) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (7)(b) or (7)(c), whichever is applicable; and
 - (bb) The lot or parcel is not smaller than the minimum lot size of the zone.
 - (iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 - (iv) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (7)(f)(i); and
 - (v) In determining the gross income required by Subsection (7)(f)(i) and Subsection (7)(f)(ii):
 - (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.

- (g) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling under Section (7).
- (h) Woodlot Operation Dwelling
 - (i) 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:
 - (aa) If the farm operation or woodlot:
 - (A) Consists of 20 or more acres; and
 - (B) 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;
 - (bb) The dwelling is located on land not identified as high-value farmland.
 - (ii) 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 smaller than required under (i) above is allowed subject to compliance with the following requirements:
 - (aa) If the farm operation or woodlot:
 - (A) 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
 - (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income;
 - (bb) The dwelling is located on land not identified as high-value farmland.

(8) Accessory Dwellings

- (a) Accessory farm dwelling for year-round and seasonal farm workers.

- (i) Accessory dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
 - (aa) 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;
 - (bb) The accessory farm dwelling will be located:
 - (A) On the same lot or parcel as the primary farm dwelling;
 - (B) 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;
 - (C) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk 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 reapproved under these provisions;
 - (D) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The County shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278, meaning housing limited to occupancy by farmworkers and their immediate families and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing; or

- (E) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in Lane Code 16.212(7)(b) or (c), whichever is applicable; and
- (cc) 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.
- (ii) In addition to the requirements in Subsection (i), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
 - (aa) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - (A) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - (B) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - (bb) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

- (cc) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or woodlot that meets the standards of LC 16.212(7)(h); or
- (dd) It is located on a commercial dairy farm as defined in Section (7)(e)(vii); 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;
 - (B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (C) A Producer License for the sale of dairy products under ORS 621.072.
- (iii) No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this Chapter, a parcel may be created consistent with the minimum parcel size requirements in Subsection (14)(a).
- (iv) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to uses 2.5 or 2.6 in Table 16.212-1 of this Chapter.
- (v) For purposes of this Subsection, "accessory dwelling" includes all types of residential structures allowed by the applicable state building code.
- (vi) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria of an accessory farm dwelling.
- (b) To qualify for a relative farm help dwelling:
 - (i) A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.

- (ii) A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.
- (c) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling, or one recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - (bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and
 - (cc) Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle must be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.
 - (ii) A temporary residence approved under this Section is not eligible for replacement under Section (6). Department of Environmental Quality review and removal requirements also apply.
 - (iii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

(9) Dwellings Not in Conjunction with Farm Use on High Value Farmland

Non-farm dwelling. A non-farm dwelling on High Value Farmland is subject to the following requirements:

- (a) 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) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

- (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 16.090;
- (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 cumulative 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 subject 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 Use 2.5 or 2.6 in Table 16.212-1 of this Chapter, 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 divided to create new parcels for non-farm dwellings under Sections (14)(e). 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 ;

- (cc) Determine whether the approval of the proposed non-farm dwellings together with existing 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 Section (9)(a) 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 may be made and approved pursuant to LC 14.700(2).
- (b) 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) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) The following are satisfied:
 - (aa) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, in the case of an existing 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

- (bb) 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
- (cc) 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 subsections (9)(a)(iv)(aa) through (cc);
- (iv) The dwelling complies with such other conditions as the approval authority considers necessary; and
- (v) Land use approval of a permit described in (9)(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 may be made and approved pursuant to LC 14.700(2).

(10) Dwellings Not in Conjunction with Farm Use on Non-High Value Farmland.

Non-farm dwelling. A non-farm dwelling on Non-high Value Farmland is subject to the following requirements:

- (a) A dwelling not provided in conjunction with farm use may be established on a lot or parcel, subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) 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; and
 - (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 reasonably be put to farm use in conjunction with other land.
- (b) The dwelling shall comply with such other conditions as the approval authority considers necessary. A dwelling not provided in conjunction with a farm use, on a lot or parcel that is not larger than three acres is subject to the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (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 16.090. For the purpose of this Section, only one lot or parcel exists if:
 - (aa) The lot or parcel is contiguous to one or more lots or parcels described in this Section.

- (A) "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."
 - (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; and
 - (iv) Notice of application shall occur in compliance with LC Chapter 14.
- (c) Land use approval of a permit described in Section (10)(a) or (10)(b) 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 this Section may be made and approved pursuant to LC 14.700(2).
- (d) No final approval of a nonfarm use under this section will be given unless any additional taxes imposed upon the change in use have been paid.
- (e) The dwelling must comply with other conditions considered necessary by the approval authority.

(11) Wineries and Cider Businesses

- (a) Small Wineries and Cider Businesses. Small wineries and cider business and their accessory uses are subject to the Type I procedure unless otherwise specified in this section. Small winery and cider businesses are separate uses to which distinct criteria and permitted uses apply and must not be used interchangeably.
 - (i) A small winery or cider business may be established as a permitted use if the proposed winery or cider business will produce wine or cider, respectively, on-site with a maximum annual production of:
 - (aa) Less than 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery or cider business:
 - (A) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres;
 - (B) Owns a contiguous vineyard for a winery or orchard for a cider business of at least 15 acres;

- (C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 15 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business; or
 - (D) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), or (C); or
- (bb) At least 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery:
 - (A) Owns an on-site vineyard for a winery or orchard for a cider business of at least 40 acres;
 - (B) Owns a contiguous vineyard for a winery or orchard for a cider business of at least 40 acres;
 - (C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 40 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business;
 - (D) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards for a winery or orchards for a cider business in Oregon that are located within 15 miles of the winery or cider business site; or
 - (E) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), (C) or (D).
- (ii) In addition to producing and distributing wine by a winery or cider by a cider business, a small winery or cider business established under this Section may:
 - (aa) Market and sell wine produced in conjunction with the winery or cider produced in conjunction with the cider business.
 - (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, including:

- (A) Wine or cider tastings in a tasting room or other location on the premises occupied by the winery for wine tastings or cider business for cider tastings;
 - (B) Wine for winery or cider for cider business club activities;
 - (C) Winemaker for winery or cidemaker for cider business luncheons and dinners;
 - (D) Winery and vineyard tours or cider business and orchard tours;
 - (E) Meetings or business activities with winery or cider business suppliers, distributors, wholesale customers and wine or cider industry members;
 - (F) Winery or cider business staff activities;
 - (G) Open house promotions of wine produced in conjunction with the winery or cider produced in conjunction with the cider business; and
 - (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or cider produced in conjunction with the cider business.
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of wine for a winery or cider for a cider business, including food and beverages:
- (A) Required to be made available in conjunction with the consumption of wine or cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(a)(ii)(bb) or (a)(ii)(dd), or (a)(v).
- (dd) Host charitable activities for which the winery or cider business does not charge a facility rental fee.

- (iii) A winery or cider business may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection (11)(a)(ii)(cc). Food and beverage services authorized under Subsection (11)(a)(ii)(cc) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- (iv) The gross income of the winery or cider business from the sale of incidental items or services provided pursuant to Subsection (11)(a)(ii)(cc) to (dd) and (11)(a)(v) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery or cider produced in conjunction with the cider business. The gross income of a winery or cider business does not include income received by third parties unaffiliated with the winery or cider business. At the request of the County, the winery or cider business shall submit a written statement that is prepared by a certified public accountant and certifies the compliance of the winery or cider business with this Subsection for the previous tax year.
- (v) A winery or cider business may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery, pursuant to Subsection (aa) or (bb) below:
 - (aa) The events on days one (1) through six (6) of the 18-day limit per calendar year must be authorized by the approval authority through the issuance of a renewable multi-year Winery or Cider Business License that:
 - (A) Is reviewed through a Type I procedure to determine necessary conditions pursuant to Section (11)(a)(vi) below;
 - (B) Has a term of five years;
 - (C) If the County issues a license under this subsection, the County must review the license at least once every five years and, if appropriate, renew the license; and
 - (D) Complies with requirements of Section (11)(a)(vi) below.
 - (E) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.

- (bb) Events on days seven (7) through 18 of the 18-day limit per calendar year must be authorized by the County through the issuance of a renewable multi-year permit that:
 - (A) Is subject to a Type II procedure and must be reviewed to determine necessary conditions pursuant to Section (11)(a)(vi);
 - (B) Has a term of five years;
 - (C) If the Director issues a permit under this subsection, the Director must review the permit at least once every five years and, if appropriate, may renew the permit; and
 - (D) Complies with requirements of Section (11)(a)(vi) below.
- (vi) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery or cider business are subordinate to the production and sale of wine at a winery or cider at a cider business and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions on a permit related to:
 - (aa) The number of event attendees;
 - (bb) The hours of event operation;
 - (cc) Access and parking;
 - (dd) Traffic management;
 - (ee) Noise management; and
 - (ff) Sanitation and solid waste;
- (vii) A winery or cider business operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established or cider business is situated.
- (viii) Prior to the issuance of a permit to establish a winery or cider business under Section (11)(a), the applicant shall show that vineyards for a winery or orchard for a cider business described in Section (11)(a) have been planted or that the contract has been executed, as applicable.
- (ix) For the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands, the winery or cider business must:

- (aa) Establish a setback of at least 100 feet from all property lines for the winery or cider business and all public gathering places, unless the Director grants a variance allowing a setback of less than 100 feet; and
 - (bb) Provide direct road access and internal circulation for the winery or cider business and other on-site public gathering places
- (b) Large Wineries. Large wineries and their accessory uses are subject to the Type I procedure unless otherwise specified in this section.
 - (i) A large winery may be established if:
 - (aa) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - (bb) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection (11)(b)(i)(aa); and
 - (cc) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.
 - (ii) In addition to producing and distributing wine, a winery described in Subsection (11)(b)(i) may:
 - (aa) Market and sell wine produced in conjunction with the winery;
 - (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (B) Wine club activities;
 - (C) Winemaker luncheons and dinners;
 - (D) Winery and vineyard tours;
 - (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

- (F) Winery staff activities;
 - (G) Open house promotions of wine produced in conjunction with the winery; and
 - (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
- (A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(b)(ii)(bb), (dd), or (ee);
- (dd) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
- (A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - (B) Are incidental to the retail sale of wine on-site; and
 - (C) Are limited to 25 days or fewer in a calendar year; and
- (ee) Host charitable activities for which the winery does not charge a facility rental fee.
- (iii) Income requirements:
- (aa) The gross income of the winery from the sale of incidental items pursuant to Subsection (11)(b)(ii)(cc) and services provided pursuant to Subsection (11)(b)(ii)(dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

- (bb) At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant that certifies compliance with Subsection (aa) for the previous tax year.
- (iv) A winery operating under Subsection (11)(b):
 - (aa) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
 - (bb) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.
- (v) A winery shall be required to obtain a Type II permit when:
 - (aa) The winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection (11)(b)(ii)(dd) occurring on more than 25 days in a calendar year.
 - (bb) In addition to any other requirements, a local government may approve a permit application under this Subsection if the approval authority finds that the authorized activity:
 - (A) Complies with the standards described in Sections (5)(a) and (5)(b);
 - (B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
 - (C) Does not materially alter the stability of the land use pattern in the area.
 - (cc) If the local government issues a permit under this Section for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
- (vi) A winery operating under Section (11)(b) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if the winery received a permit in similar circumstances before August 2, 2011.
- (vii) A person may not have a substantial ownership interest in more than one winery operating a restaurant authorized in Section (11)(b).

- (viii) Prior to the issuance of a permit to establish a winery under Section (11)(b), the applicant shall show that vineyards described in Section (11)(b)(i) have been planted.
- (ix) A winery operating under Subsection (b) shall provide for:
 - (aa) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 - (bb) Direct road access and internal circulation.
- (c) As used in Section (11):
 - (i) “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 - (ii) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(12) Agri-tourism and Other Commercial Events

- (a) Six or Fewer Events. Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved. The approval is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The six or fewer agri-tourism or other commercial events or activities must meet local standards and:
 - (i) Be incidental and subordinate to existing farm use on the tract;
 - (ii) Not, individually, exceed a duration of 72 consecutive hours; and
 - (iii) Comply with Section (12)(c) below.
- (b) Seven to 18 Events. Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with (12)(a) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The seven to 18 agri-tourism or other commercial events or activities must comply with local standards and:
 - (i) Be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

- (ii) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 - (iii) Not exceed 18 events or activities in a calendar year; and
 - (iv) Comply with Section (12)(c) below.
- (c) All agri-tourism or other commercial events or activities described in (12)(a) and (12)(b) above must:
 - (i) Not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 - (ii) Comply with Section (5)(a) and (b) Conditional Use Criteria;
 - (iii) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and
 - (iv) Must comply with conditions established for:
 - (aa) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - (bb) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - (cc) The location of access and egress and parking facilities to be used in conjunction with the agri-tourism or other commercial events or activities;
 - (dd) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - (ee) Sanitation and solid waste.

- (v) The approval authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under (12)(a) or (12)(b). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The County may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under (12)(a) or (12)(b), including, but not limited to, grading, filling or paving.
 - (vi) Agri-tourism or other commercial events or activities authorized under this section shall not be allowed at a winery which conducts agri-tourism or other commercial events or activities authorized under Sections (11)(a)(v)-(vi) or (11)(b)(v) or (11)(b)(ii)(dd).
 - (vii) Event or activities authorized under this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015(10)(a), do not include agri-tourism or other commercial events and activities.
- (d) Expiration of Agri-Tourism Approvals
- (i) Approvals issued pursuant to (12)(a) shall be valid for two years from the date of the approval, and may be renewed for an additional two years subject to:
 - (aa) An application for renewal; and
 - (bb) Demonstration of compliance with the provisions of Section (12)(a) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.
 - (ii) Approvals issued pursuant to (12)(b) shall be valid for four years from the date of the approval. If continued, the permit holder must submit an application for renewal at four year intervals. Upon receipt of a request for renewal, the Director must:
 - (aa) Issue public notice and an opportunity for public comment as part of the review process according to LC Chapter 14; and
 - (bb) Limit review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Section (12)(b).

(13) Commercial Facilities for Generating Power

(a) Commercial Power Generating Facility.

- (i) Permanent features of a power generation facility shall not preclude more than:
 - (aa) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - (bb) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
- (ii) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.
- (iii) Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504(b).

(b) Wind Power Generation Facility.

- (i) For purposes of this Chapter, a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
 - (aa) Temporary workforce housing described in Section (13)(a)(ii) must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete.

- (bb) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.
- (ii) For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the County must find that all of the following are satisfied:
 - (aa) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
 - (A) Technical and engineering feasibility;
 - (B) Availability of existing rights of way; and
 - (C) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (bb);
 - (bb) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
 - (cc) Costs associated with any of the factors listed in Subsection (aa) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

- (dd) The owner of a wind power generation facility approved under Subsection (ii) 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 this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
 - (ee) The criteria of Subsection (iii) are satisfied.
- (iii) For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:
 - (aa) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
 - (bb) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

- (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
 - (iv) For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection (13)(b)(iii)(dd) are satisfied.
 - (v) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections (13)(b)(iii) and (iv), the approval criteria of Subsection (13)(b)(iii) shall apply to the entire project.
- (c) Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
 - (i) “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
 - (ii) “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of the land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
 - (iii) “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

- (iv) “Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.
- (v) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1,320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
- (vi) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

- (aa) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;
- (bb) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and County approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
- (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and County approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;
- (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and County approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
- (ee) The project is not located on high-value farmland soils unless it can be demonstrated that:
 - (A) Non high-value farmland soils are not available on the subject tract;

- (B) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and
- (ff) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - (A) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
 - (B) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the Director or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- (vii) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:
 - (aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - (A) Nonarable soils are not available on the subject tract;

- (B) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;
- (bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
- (cc) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
- (A) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
 - (B) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or 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; and
- (dd) The requirements of Subsections (13)(c)(vi)(aa), (bb), (cc), and (dd) are satisfied.

- (viii) For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:
 - (aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - (A) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (B) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;
 - (bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
 - (cc) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (dd) The requirements of Subsection (13)(c)(vi)(dd) are satisfied;
 - (ee) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the County's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the County, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing Chapters and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the County is responsible for determining appropriate mitigation measures; and

- (ff) If a proposed photovoltaic solar power generation facility is located on lands where, after the site specific consultation with an Oregon Department of Fish and Wildlife biologist, if it determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or habitat or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or to wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the County is responsible for determining appropriate mitigation, if any, required for the facility.
- (gg) The provisions of Subsection (13)(c)(viii)(ff) are repealed on January 1, 2022.
- (ix) The project owner shall sign and record at Lane County Deeds & Records a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
- (x) Nothing in this Section shall prevent the County from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

(14) Land Divisions

- (a) 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 Section (14).
- (b) The minimum area shall be:
 - (i) E-25: 25 acres
 - (ii) E-30: 30 acres
 - (iii) E-40: 40 acres
 - (iv) E-60: 60 acres
- (c) 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:
 - (i) Land preparation.
 - (ii) Ripping and plowing.
 - (iii) Fencing.
 - (iv) Surveying.
 - (v) Crop cultivation.
 - (vi) Irrigation.
 - (vii) Herbicide; fungicide and/or fertilizer application.
 - (viii) Machinery.
 - (ix) Accessory farm buildings.
 - (x) Breeding and livestock raising concerns.
 - (xi) Labor.
 - (xii) Projected expenses associated with the above.
 - (xiii) Date by which the farm management plan would be substantially implemented.

- (d) A division of land to accommodate a Conditional Use as permitted by in Table 16.212-1 of this Chapter, except a residential use, smaller than the minimum parcel size provided in Subsection (a) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (e) 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 (14)(b) 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 (9) or (10)(a) 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 16.090;
 - (iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in (14)(b) above;
 - (v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in (14)(b) 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.

- (f) 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 16.090;
 - (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 (14)(b) 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 LC 16.212(9);
 - (viii) The non-farm dwellings shall comply with LC 16.212(5)(a) and (b);
 - (ix) 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
 - (x) The dwelling complies with other conditions considered necessary by the approval authority;

- (g) 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 the 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 (14)(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 Sections (9) and (10); and
 - (iv) 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.
- (h) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- (i) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- (j) This Section does not allow a division or property line adjustment of a lot or parcel that separates uses 2.3, 2.9, or 3.7 in Table 16.212-1 of this Chapter.

- (k) This Section does not allow a division of a lot or parcel that separates a processing facility from the farm operation specified as use 1.6 in Table 16.212-1 of this Chapter.
- (l) A division of land may be permitted to create a parcel with an existing dwelling to be used:
 - (i) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section (9) or (10)(a); and
 - (ii) For historic property that meets the requirements of use 2.8 in Table 16.212-1 of this Chapter.
- (m) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b),
 - (i) A division of land may be approved provided:
 - (aa) 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; and
 - (bb) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - (cc) The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
 - (ii) 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 redesignation or rezoning of forestlands except for a redesignation 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 to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or 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.
- (n) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b), 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 as use 7.11 of Table 16.212-1;
 - (ii) The newly created lot or parcel is not larger than five acres;
 - (iii) The new parcel for the church shall meet the minimum size in (14)(a) either by itself or after it is consolidated with another lot or parcel.
- (o) Notwithstanding the minimum lot or parcel size described Subsection (14)(a), a division for a fire service facility provided in use 7.2 of Table 16.212-1, if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (p) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:
 - (i) The portion of the parcel within the UGB has been redesignated for urban uses under the applicable acknowledged comprehensive plan; and
 - (ii) The portion of the parcel that remains outside the UGB is smaller than the minimum parcel size pursuant to (14)(b) above; and
 - (iii) The parcel must be divided along the UGB boundary line; and
 - (iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.
 - (v) If the parcel outside of the UGB does not contain a dwelling, the parcel:
 - (aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;
 - (bb) May not be considered in approving or denying an application for any other dwelling; and

- (cc) May not be considered in approving a redesignation or re-zoning of forestlands, except to allow a public park, open space or, other natural resource use.
- (vi) A landowner allowed a land division under (14)(p) shall 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 30.397.
- (q) Divisions under (14)(b) and (14)(c) shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of (6), (7) or (8) above for a dwelling are met.
- (r) The governing body may not approve a division of land for nonfarm use under Subsection (d), (e), (f), (g), (l), (m), (n), or (o) unless any additional tax imposed for the change in use has been paid.
- (s) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- (t) The Director or its designate may not approve a land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to subsection (14)(g).
- (u) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or bio solids as provided Section 6.2 of Table 16.212-1.

(15) Development Standards

All uses or activities allowed by LC 16.212 must comply with the requirements in Section (15)(b). Uses or activities allowed by LC 16.212, except farm use, must comply with the requirements in LC 16.212(15)(a) and (b).

- (a) For approval of a use or activity allowed by LC 16.212 that requires a Type II or Type III review, the Approval Authority must balance the setback requirements of LC 16.212(15)(b) with the applicable approval standards of LC 16.212(3) and (6) through (14) 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 and development accessory to residential uses to be sited upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as “Major” must 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(15)(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 and development accessory to residential uses to be sited upon all of tracts must 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) All uses, activities, and structures allowed by LC 16.212 must comply with:
 - (i) Property Line Setbacks. No structure other than a fence or sign shall 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 LC Chapter 15; and
 - (bb) 10 feet from all other property lines except as provided below.
 - (ii) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards is approved in accordance with LC 16.253(6). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
 - (iii) Signs.

- (aa) Signs cannot extend over a public right-of-way or project beyond the property line.
- (bb) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.
- (cc) Signs are limited to 200 square feet in area.

(16) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of Section (15), LC 16.264, and with applicable requirements elsewhere in LC Chapter 16. *(Revised by Ordinance: 20-06, Effective: 6.16.20)*

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Lane Code
CHAPTER 16 CONTENTS

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16.213 Natural Resource Zone (NR-RCP).

**NATURAL RESOURCE ZONE (NR-RCP)
RURAL COMPREHENSIVE PLAN**

16.213 Natural Resource Zone (NR-RCP).

(1) Purpose. The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

- (a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;
- (b) Watersheds and their streams or lakes are used for domestic water supplies;
- (c) Vegetative cover is essential to maintain soil stability and prevent erosion;
- (d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and
- (e) Scenic quality or vistas or open space is unique and/or irreplaceable.

(2) Permitted Buildings and Uses. In the NR Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this subsection, subject to the general provisions and exceptions set forth:

- (a) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.
 - (i) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.
 - (ii) Picnicking areas, day parks and playgrounds.
 - (iii) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State and Local fish and game regulations) and hiking and horseback riding.
- (b) Fish and wildlife habitat management and the propagation of fish and wildlife.
- (c) The following transportation facilities and uses, provided no filling or dredging is required:
 - (i) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
 - (ii) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(3) Special Uses - Director Approval. The following uses are subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14:

(a) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker or operator in conjunction with use permitted in the district.

(4) Special Uses - Hearings Official Approval. The following uses are subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14:

- (a) Piers and boat houses.
- (b) Single family dwelling or mobile home and accessory structures.
- (c) Farm uses as defined by ORS 215.203(2), and any accessory uses.
- (d) Forest uses and any accessory uses.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.213(4) above are subject to compliance with the following criteria:

(a) (i) Evidence is provided supporting reasons why the proposed use should be sited in a natural resource area.

(ii) That the proposed site is on land generally unsuitable for natural resource uses.

(b) That the proposed use will not significantly impact natural resource uses on adjacent and nearby natural resource lands, and will not significantly impact natural resources on the site of the proposed uses;

(c) That the proposed use will not significantly increase the costs of natural resource management on adjacent and nearby natural resource lands.

(d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;

(e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby NR zoned lands, and these measures may be established as conditions of approval; and

(f) That the proposed use is consistent with the policies contained in the Rural Comprehensive Plan and the purpose of the NR zone.

(6) Property Development Standards. All uses or activities permitted or conditionally permitted above, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(9), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from a wetland or from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within wetlands or within the riparian setback area designated for riparian vegetation protection by the rural comprehensive plan must comply with the provisions of LC 16.253(5) or LC 16.253(9), as applicable. *(Revised by Ordinance No. 7-87; Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 20-05, 6.16.20)*

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MARGINAL LANDS ZONE (ML-RCP)**RURAL COMPREHENSIVE PLAN**ML Zone Table of Contents

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16.214 Marginal Lands Zone (ML-RCP)**(1) Purpose**

The purpose of the Marginal Lands Zone (ML) is to provide an alternative to more restrictive farm and forest zoning; provide opportunities for persons to live in a rural environment and to conduct farm or forest operations. The ML Zone is applied to specific properties consistent with the requirements of ORS 197.247 (1991 Edition), ORS 215.317, ORS 215.327 (2017 Edition), and the policies of the Lane County Rural Comprehensive Plan.

(2) Use Table**Table of Permitted Uses**

Table 16.214-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the marginal lands districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table 16.214-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in LC 16.214.

As used in Table 16.214-1:

(a) Uses:

- (i) “A” means the use is outright allowed or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (4).
- (b) Procedures:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this chapter of Lane Code.
 - (ii) “AL” means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The “Subject To” column identifies any specific provisions of LC 16.214 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.214(7)

Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Farm, Forest, and Natural Resource Uses			
1.1.	Intensive farm or forest operations, including but not limited to "farm use" as defined in LC 16.090	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	
1.3.	Part-time farms	A	P	
1.4.	Woodlots	A	P	
1.5.	Nonresidential buildings customarily provided in conjunction with farm use	A	I	
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products within a calendar year	C	II	(3)(b), (4)
1.7.	A facility for the primary processing of forest products	C	II	(3)(c), (4)
1.8.	Marijuana production	A	I	LC 16.420
1.9.	Marijuana wholesale distribution	A	I	LC 16.420
1.10.	Marijuana research	A	I	LC 16.420
2.	Residential Uses			
2.1.	Dwelling on a vacant lot or parcel created before July 1, 1983	A	P	(3)(a), (3)(n)
2.2.	Dwelling on a vacant lot or parcel created pursuant to LC 16.2140	A	P	(3)(n)
2.3.	Temporary hardship dwelling	A	P	(3)(n), (3)(o)
3.	Commercial Uses			

Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.1.	Home occupation	C	II	(3)(d), (4)
3.2.	A landscape contracting 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	C	II	(4), LC 16.212(5)
3.3.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use under Use 1.1, but excluding activities in conjunction with a marijuana crop	C	II	(4)
3.4.	Marijuana processing	C	II	LC 16.420, (3)(b), (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Operations for the exploration of geothermal resources as defined by ORS 522.005	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted	C	III	(4)
4.4.	Operations for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources	C	III	(3)(f), (4)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	III	(3)(e), (4)
4.6.	Processing of other mineral resources and other subsurface resources	C	III	(4)
5.	Transportation Uses			

Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	
5.4.	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	A	P	
5.5.	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	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.7.	Changes in the frequency of transit, rail and airport services	A	P	
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	A	P	
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	A	P	

Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.10.	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	C	II	(4)
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.12.	Park and ride lots	C	II	(4)
5.13.	Railroad mainlines and branch lines	C	II	(4)
5.14.	Pipelines	C	II	(4)
5.15.	Navigation channels	C	II	(4)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(g), (4)
5.17.	Replacement of an intersection with an interchange	C	II	(3)(g), (4)
5.18.	Continuous median turn lanes	C	II	(3)(g), (4)
5.19.	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	C	II	(3)(g), (4)
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(g), (4)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	A	I	(3)(h)
6.	Utility/Solid Waste Disposal Facilities			

Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.1.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	I	(3)(i)
6.2.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	(5), (4)
6.3.	A site for the disposal of solid waste 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	C	II	(4)
6.4.	Changeout to an existing telecommunication tower	A	I	(8)
6.5.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	FCC 14-153
6.6.	Collocation to an existing telecommunication tower	A	II	(8)
6.7.	New telecommunications tower or replacement tower	C	III	(4), (8)
7.	Parks/Public/Quasi-public Uses			
7.1.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	A	P	
7.2.	Public parks, public playgrounds, and public campgrounds	A	I	
7.3.	Churches	A	P	
7.4.	Public or private schools, including all buildings essential to the operation of a school	C	II	(3)(j)
7.5.	Private parks, private playgrounds	A	P	

Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
7.6.	Private campground	C	II	(3)(k), (3)(q), (4)
7.7.	Golf courses	C	II	(3)(l), (3)(q), (4)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735- 760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(m)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.214.	A	P	

(3) Use Standards

- (a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.
- (b) A farm processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:

- (i) The farm on which the facility or establishment is located must provide at least one-quarter of the farm crops processed at the facility.
 - (ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
 - (iv) A county may not approve any division of a lot or parcel or a property line adjustment that separates a processing facility or establishment from the farm operation on which it is located.
- (c) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.
- (d) Home occupation must:
- (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the ML Zone;
 - (iv) Not unreasonably interfere with other uses permitted in the zone in which the property is located;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupations; and
 - (vi) Not be used as justification for a zone change.

- (e) New facilities 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.
- (f) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
 - (i) A land use permit is required for mining more than 1,000 cubic yards of martial or excavation preparatory to mining of a surface area of more than one acre.
 - (ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.
- (g) Transportation facilities and uses 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.
- (h) 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.
- (i) A utility facility that is necessary for public service.
 - (i) A utility facility is necessary for public service if the facility must be sited in the marginal lands zone in order to provide the service.

- (aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an marginal lands zone due to one or more of the following factors:
 - (i) Technical and engineering feasibility;
 - (ii) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for marginal land in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (iii) Lack of available urban and nonresource lands;
 - (iv) Availability of existing rights of way;
 - (v) Public health and safety; and
 - (vi) Other requirements of state and federal agencies.
- (bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- (cc) The owner of a utility facility approved under Subsection (i) 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 this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- (dd) The county 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

- (ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the ML Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (4) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
- (ff) In addition to the provisions of Subsection (3)(i)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
- (gg) In addition to the requirements in LC 16.214(3)(i)(i)(aa) through (ff) above, a utility facility that is a telecommunication facility shall comply with LC 16.264;
- (hh) In addition to the requirements in LC 16.214(3)(i)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and
- (ii) The provisions of Subsection (i) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- (ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (aa) or Subsection (bb) of this Subsection.
 - (aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - (i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - (ii) The associated transmission line is co-located with an existing transmission line;

- (iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - (iv) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
 - (bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (3)(i)(ii)(cc) and (dd), two or more of the following criteria:
 - (i) Technical and engineering feasibility;
 - (ii) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (iii) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - (iv) Public health and safety; or
 - (v) Other requirements of state or federal agencies.
 - (cc) As pertains to Subsection (bb), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
 - (dd) The county may consider costs associated with any of the factors listed in section (3)(i)(ii)(bb) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- (j) Schools are subject to the following:

- (i) Are used primarily for residents of the rural area in which the school is located.
- (k) Private Campgrounds are subject to the following:
 - (i) Except on a lot or parcel contiguous to a lake or reservoir, private 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 chapter 660, division 4. 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. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - (ii) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (iii).
 - (iii) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- (l) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
 - (i) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. 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; or housing;

- (ii) Accessory uses 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., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
 - (iii) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
- (m) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.
- (n) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county 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.
- (o) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;

- (bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and
 - (cc) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.
- (ii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
- (p) Three-mile setback. For uses subject to this Section:
 - (i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - (ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract that is in existence as of June 17, 2010.
 - (iii) Existing facilities wholly within the marginal lands zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structure within the marginal lands zone may not be expanded beyond the requirements of (3)(q).

(4) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.214-1 of this Chapter must demonstrate compliance with the following criteria.

- (a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

- (b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)
- (c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
- (d) Will not create a hazardous natural condition such as erosion, landside, flooding.

(5) Commercial Facilities for Generating Power

- (a) Permanent features of a power generation facility shall not preclude more than:
 - (i) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - (ii) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
- (b) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- (c) Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504.

(6) Land Divisions

Land in a Marginal Land zone may be divided as follows:

- (a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F- 1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197 (1991 Edition).

- (b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197 (1991 Edition)..
- (c) A parcel of any size necessary to accommodate any of the nonresidential uses listed below:
 - (i) Use 6.1. Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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.
 - (ii) Use 6.2. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.
 - (iii) Use 6.3. A site for the disposal of solid waste 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 not on high value farmland.
 - (iv) Use 7.1. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
 - (v) Use 7.3. Churches and cemeteries in conjunction with churches.
 - (vi) Use 7.4. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school.
 - (vii) Use 7.5. Private parks, playgrounds, and campgrounds.

(7) Development Standards

All uses or activities permitted or conditionally permitted in this Chapter shall be subject to the following development standards.

- (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:
 - (i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
 - (ii) 10 feet from all other property lines except as provided below.

- (b) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards in accordance with LC 16.253(6). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line.
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.
 - (iii) Signs are limited to 200 square feet in area.
- (d) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) 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. *(Revised by Ordinance: 20-06, Effective: 6.16.20)*

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PAGES 16-93 THROUGH 16-100
ARE RESERVED FOR FUTURE EXPANSION

PARK AND RECREATION ZONE (PR-RCP)

RURAL COMPREHENSIVE PLAN

16.215 Park and Recreation Zone (PR-RCP).

16.216 Quarry and Mine Operations Zone (QM-RCP).

**PARK AND RECREATION ZONE (PR-RCP)
RURAL COMPREHENSIVE PLAN**

16.215 Park and Recreation Zone (PR-RCP).

- (1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:
- (a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.
 - (b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.
 - (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.
 - (d) To implement the policies of the Lane County Rural Area Comprehensive Plan.
- (2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:
- (a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
 - (b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.
 - (c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
 - (d) Farm use.
 - (e) Towers and fire stations for forest fire protection.
 - (f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.
 - (g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
 - (h) The following transportation facilities and uses:
 - (i) Climbing and passing lanes within the right of way existing as of July 1, 1987.
 - (ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.
 - (iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.
 - (iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
 - (v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
 - (vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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

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

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

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

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

(c) Parks.

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

(e) Aids to navigation and aviation.

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

(g) The following transportation facilities and uses:

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

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

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

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).

(x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.

(xi) Subject to LC 16.215(10)(h), continuous median turn lanes.

(xii) Subject to LC 16.215(10)(h), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.

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

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

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

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

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

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

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

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

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

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

(o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.

(b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

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

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

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

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

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

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

(c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

(a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

(f) Gymnasium or athletic club.

(g) Yachting clubs.

(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.

(j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

(a) Race track.

(b) Amusement park, carnival, circus.

(c) Stadium.

(d) Fairgrounds and amusement park.

(e) Recreational shooting.

(f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries,

where setbacks are provided for in LC 16.253(9), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), 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(5) or LC 16.253(9), as applicable.

(d) Signs.

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

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

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

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

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

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

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

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) are met; and

(v) Not closer than:

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

(bb) 10 feet from all other property lines.

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

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

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

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

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

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

Size of the Primary Safety Zone by Percent Slope

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

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

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

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

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

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

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

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

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

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire-fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire-fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection,

or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

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

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

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

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

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

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

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire-fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below:

(aa) Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

(bb) Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(5).

- (g) Signs.
 - (i) Signs shall not extend over a public right-of-way or project beyond the property line.
 - (ii) Signs shall not be illuminated or capable of movement.
 - (iii) Signs shall be limited to 200 square feet in area.
- (h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall comply with the following:
 - (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).
- (12) Youth Camps. The purpose of LC 16.215(12) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:
 - (a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;
 - (b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.215(12)(a) above;
 - (c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;
 - (d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;
 - (e) A youth camp shall not be allowed in conjunction with an existing golf course;
 - (f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

- (g) A youth camp shall be located on a lawful parcel that is:
 - (i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;
 - (ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
 - (aa) The proposed setback will prevent conflicts with commercial resource management practices;
 - (bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - (iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.
- (h) A youth camp may provide for the following facilities:
 - (i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;
 - (ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;
 - (iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;
 - (iv) Up to three camp activity buildings, not including primary cooking and eating facilities;
 - (v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;
 - (vi) Covered areas that are not fully enclosed;
 - (vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;
 - (viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);
 - (ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.
- (i) A proposed youth camp shall comply with the following fire safety requirements:

- (i) The fire siting standards in LC 16.251(10)(c) and (e) above;
- (ii) A fire safety protection plan shall be developed for each youth camp that includes the following:
 - (aa) Fire prevention measures;
 - (bb) On site pre-suppression and suppression measures; and
 - (cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
- (iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:
 - (aa) A 1,000-gallon mobile water supply that can access all areas of the camp;
 - (bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (cc) A sufficient number of fire-fighting hand tools; and
 - (dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
- (iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;
- (v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
- (j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 16-01, 2.25.16; 20-05, 6.16.20)*

QUARRY AND MINE OPERATIONS ZONE (QM-RCP) RURAL COMPREHENSIVE PLAN

16.216 Quarry and Mine Operations Zone (QM-RCP).

- (1) Purpose. The purpose of the Quarry and Mine Operations Zone (QM-RCP) is to:
 - (a) Recognize that minerals and materials within the County are an unrenovable resource, and that extraction and processing are beneficial to the economy of the County and the welfare of its people.
 - (b) Protect major deposits of minerals, rock and related material resources with appropriate zoning.
 - (c) Establish procedures for the protection of public health and safety on and adjacent to land where quarry and mine blasting operations are occurring.
 - (d) Establish County standards in the Lane Manual to be used in reviewing referrals from State and Federal Agencies of Operation and Reclamation Plans, pollution control permits and similar permits.
 - (e) Provide for cooperation between private and governmental entities in carrying out the purposes of this Chapter.
 - (f) To implement the policies of the Lane County Rural Comprehensive Plan.
 - (g) Establish procedures to insure compatibility of a Quarry and Mine Operation use with the area in which it is to be located, establish permitted uses and property development standards.

(2) Intent. The Quarry and Mine Operations Zone shall be available for consideration and use by the County for new or existing operations when requests are received as part of an areawide or legislative rezoning, or a specific property or quasi-judicial rezoning.

When property under consideration for QM zoning is in close proximity to existing and planned uses potentially incompatible with QM uses, the application of the Quarry and Mine Operations Zone may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.

The Quarry and Mine Operations Zone is intended to be applied only to those operations which have been evaluated through the Goal #5 Administrative Rule conflict resolution process, which must be applied at the time of Rural Comprehensive Plan designation and coincident rezoning action per LC 16.216(2) above. Other quarry and mining operations of short-term or intermittent duration should be provided for pursuant to the special use provisions of the various zones.

(3) Definitions. For the purposes of this section only, the following words, terms and phrases are defined and supersede definitions otherwise provided in this Code:

Minerals. Includes soil, coal, clay, stone, crushes hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement.

Mining Refuse. All waste materials, soil, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within such operating permit area.

Operations Plan. A written proposal submitted to the State Department of Geology and Mineral Industries under the requirements of ORS 517.790.

Operator. Any individual, public or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in quarry and extraction operations.

Overburden. The soil, rock and similar materials that lie above natural deposits or minerals.

Owner. The person possessing legal rights to the mineral deposit being mined.

Quarry and Mine Extraction. All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities.

Reclamation. The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact such operations have on the environment, and to provide for the rehabilitation of land affected by such operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measure appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Reclamation Plan. A written proposal for the reclamation of the land area affected by a quarry and mine extraction operation submitted to the State Department of Geology and Mineral Industries.

(4) Permitted Buildings and Uses. In the Quarry and Mine Operations District, the following types of buildings and uses are permitted as hereafter specifically provided for by this section, subject to the provisions of the Quarry and Mining Operations Reclamation Permit and additional Conditions and exceptions set forth in this Chapter:

(a) Extracting and storing of minerals, including equipment and materials necessary to carry out these functions.

(b) Plants for the processing of minerals from quarry and mine extraction operations.

(c) Sale of products generated from the quarrying and mining operation.

(d) Activities permitted or required as part of the reclamation process provided for in the Reclamation Plan.

(e) Structures and buildings used in conjunction with the extracting and storing of minerals or related equipment as defined in LC 16.216(4)(a) above.

(f) Forest uses.

- (g) Farm uses as defined in ORS 215.203(2).
- (h) Water impoundments with less than 100 acre feet storage capacity and in conjunction with beneficial uses of water customarily associated with fire prevention, forest uses or farm uses.
- (i) Fish and wildlife habitat management and any necessary and accessory uses.
- (j) Maintenance and repair of a lawfully existing residence.
- (k) Lawfully-established uses necessary and accessory to those listed above.
- (l) Electrical facilities providing direct service to a use authorized in this zone.
- (m) On premise signs used in connection with quarry and mine operations. Signs so permitted shall be limited to two per operation, shall not exceed 200 square feet total surface area per sign, shall not contain moving or flashing lights or be capable of movement.
- (n) Caretaker's residence.
- (o) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).
- (5) Site Review Required. Uses permitted by LC 16.216(4)(a), (b), (c), (d) and (e) above shall be subject to the provisions of LC 16.257 (Site Review).
- (6) Permits for Quarry and Mine Extraction.
 - (a) General. No quarry or mining extraction or related operations may be initiated on land zoned as Quarry and Mine Operations Zone (QM) until a surface mining permit. has been issued by the Oregon Department of Geology and Mineral Industries.
 - (i) Each permit application, Operation and Reclamation Plan referred to the Director shall be reviewed following the Operation Standards and Reclamation Standards set forth in Lane Manual.
- (7) Blasting Notice and Records. Operators using explosives for quarry and mine extraction shall follow explosive regulations and use commonly acceptable engineering standards based on physical conditions and atmospheric conditions of the site so as to prevent injury to persons and damage to public and private property.
 - (a) Notice of Blasting. When blasting is to be done within 500 feet of an occupied building, the operator, or an authorized agent, shall notify all occupants that a blast is to be initiated. Such notice shall be given not more than six hours nor less than 30 minutes prior to detonation and shall include the approximate time of the blast.
 - (b) Blasting Records. Each operator shall maintain a record of each blast for at least two years. These records shall be available to the County, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction upon request. Such records shall show the following for each blast:
 - (i) Name of quarry or mine.
 - (ii) Date, time and location of blast.
 - (iii) Description of type of explosives and accessories used.
 - (iv) Time interval of delay in milliseconds.
 - (v) Number of different delays.
 - (vi) Number of holes per delay.
 - (vii) Nominal explosive weight per hole.
 - (viii) Total explosive weight per delay.
 - (ix) Total weight of explosives per blast.
 - (x) Blast hole diameter, depth, spacing and stemming height.
- (8) Property Development Standards.
 - (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:
 - (i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
 - (ii) 10 feet from all other property lines except as provided below.
 - (b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries,

where setbacks are provided for in LC 16.253(9), 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. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), 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(5) or LC 16.253(9), as applicable. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

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**RURAL COMMERCIAL ZONE (C-R, RCP)
RURAL COMPREHENSIVE PLAN**

16.223 Rural Commercial Zone (C-R, RCP).

- (1) Purpose. The purpose of the Rural Commercial Zone (C-R, RCP) is:

- (a) To provide goods and services needed by rural residents.
- (b) To provide services and facilities for tourists and travelers.
- (c) To implement the policies of the Lane County Rural Area Comprehensive Plan, primarily those policies related to commercial development of areas identified as committed or built upon.

(d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

- (a) Retail trade of food.
- (b) Retail trade of new general merchandise.
- (c) Retail trade of building materials, hardware or farm equipment conducted within an enclosed building.
- (d) Restaurants.
- (e) Service stations.
- (f) Personal services.
- (g) Finance, insurance, banking and real estate services.
- (h) Professional services.
- (i) Retail trade of secondhand general merchandise within an enclosed building.
- (j) Bus passenger terminal.
- (k) Civic, social and fraternal meeting places.
- (l) Boat charter and rental, including fishing equipment.
- (m) Hotel, motel or lodge, and related recreational facilities.
- (n) Bed and breakfast accommodation.
- (o) Veterinarian clinic.
- (p) Bars, night clubs and taverns.
- (q) Retail trade of hay, grains or goods for animal consumption.
- (r) Day camp and picnic areas.
- (s) Outdoor tourist attractions featuring displays of educational or historical value.
- (t) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.
- (u) A dwelling or mobile home in conjunction with an above permitted use.
- (v) Uses accessory to an above permitted use.
- (w) A noncommercial kennel.
- (x) Indoor or outdoor theaters.
- (y) Post Office facilities.
- (z) Family day care facility in a permitted residence.
- (a-a) Residential home in a permitted residence.

(b-b) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

- (i) Purpose and intent of this District.
- (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
 - (aa) Bulk, size, and operating characteristics of the proposed use.
 - (bb) Parking demand, customer types and traffic generation.
 - (cc) Intensity of land use of the site.
 - (dd) Potential demand for public facilities and services.
 - (ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

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

(c-c) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Special Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and considerations specified by this chapter of Lane Code:

- (a) Uses and activities:
 - (i) Retail trade of building materials, hardware or farm equipment conducted partially or wholly outdoors.
 - (ii) Equipment rental and leasing service.
 - (iii) Overnight campground and picnic areas.
 - (iv) Recreational vehicle park.
 - (v) Vehicle repair service.
 - (vi) Recreational vehicle and boat storage.
 - (vii) Marina.
 - (viii) A commercial kennel or a commercial breeding kennel.
 - (ix) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(b) Criteria. The above uses should substantially conform to the following criteria:

- (i) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposed intent and are compatible with the surrounding vicinity.
- (ii) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.
- (iii) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.
- (iv) The suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(v) That the location, design and size of the uses are 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.

(vi) That, based on anticipated traffic generation, adequate additional right-of-way and road improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of Lane Code, Chapter 15, "Roads", and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/ acceleration lanes.

(vii) That there is 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.

(viii) That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(ix) That all signs and illumination are in scale and harmonious with the site and area.

(x) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements etc. that are required.

(4) Area. No minimum established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(5) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(9), 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 Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), 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 streams designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(5) or LC 16.253(9), as applicable.

(d) Heights. Maximum height of any structure shall be 45 feet.

(e) Signs.

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

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

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

(iv) No sign shall project above the height of the tallest structure on the property.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(6) Telecommunication Towers. Notwithstanding the requirements in LC 16.223(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

LIMITED INDUSTRIAL ZONE (M-1, RCP) RURAL COMPREHENSIVE PLAN

16.224 Limited Industrial Zone (M-1, RCP).

(1) Permitted Buildings and Uses. In the M-1, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Administrative and sale offices incidental to and directly related to the operation of industrial or commercial uses permitted in this zone.

(c) Single-family dwelling or mobile home for residential purposes for watchman, caretaker or operator to be located on the premise of the associated use.

(d) Kennel; provided the following conditions are satisfied:

(i) The maximum number of dogs over four months of age shall be eight.

(ii) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(iii) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.

(e) Laboratories, research and testing.

(f) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of electronic devices, electro-mechanical components, optics, testing equipment.

(g) Manufacturing, assembling, processing, packaging, storage or wholesale distribution of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks and food products, except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

- (h) Outdoor advertising.
- (i) Storage buildings for household or consumer goods.
- (j) Public and semipublic utilities, buildings and uses rendering direct utility service to the public in the local area, such as fire stations, utility stations or wells.
- (k) Lawful uses existing on a property prior to July 9, 1982, and expansion or replacement of such uses which will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing prior to the effective date of the adoption of the ordinance.
- (l) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:
 - (i) Purpose and intent of this District.
 - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
 - (aa) Bulk, size, and operating characteristics of the proposed use.
 - (bb) Parking demand, customer types and traffic generation.
 - (cc) Intensity of land use of the site.
 - (dd) Potential demand for public facilities and services.
 - (ee) Products or services produced or vended on or from the site.
 - (iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.
 - (iv) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
 - (m) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:
 - (a) Aircraft landing field or heliport in conjunction with a use permitted in this zone.
 - (b) Banks.
 - (c) Barbershop, beauty shop.
 - (d) Building maintenance service.
 - (e) Carnival, circus.
 - (f) Convenience grocery store (maximum of 2,000 square feet).
 - (g) Correctional institution, jail, penal farm.
 - (h) Credit union office.
 - (i) Garbage dump, garbage transfer facility.
 - (j) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
 - (k) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.
 - (l) Other uses similar to permitted uses in this zone; provided that:
 - (i) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.

(ii) Items manufactured, assembled, processed or produced in area shall be for wholesale.

(m) Public and private parking areas and garages.

(n) Radio and television stations, radio and television towers; facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.

(o) Restaurants, taverns.

(p) Rock, sand, gravel and loam excavations, with incidental processing.

(q) Service stations.

(r) Sewage treatment facilities.

(s) Expansion of a lawful preexisting use in excess of that allowed as a permitted use.

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

(3) Special Use Approval Criteria. Uses allowed under LC 16.224(3) above shall comply with the following criteria:

(a) Conformity with the Rural Comprehensive Plan for Lane County.

(b) The location, size, design and operating characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density., to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-1, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum load space and setbacks have been provided.

(6) Vision Clearance.

(a) Vision clearance for corner lots shall be a minimum of 15 feet.

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.224(1)-(2) above, telecommunication facilities are allowed subject to compliance with

the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

LIGHT INDUSTRIAL ZONE (M-2, RCP) RURAL COMPREHENSIVE PLAN

16.225 Limited Industrial Zone (M-2, RCP).

(1) Permitted Buildings and Uses. In the M-2, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-1, RCP Zone (LC 16.224(1)).

(c) Bottling works, including alcoholic beverages.

(d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.

(e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.

(f) Feed and seed store.

(g) Freight and trucking yards or terminal.

(h) Mobile home sales and repairs.

(i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.

(j) Lumberyards and building material sales.

(k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.

(l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.

(m) Moving equipment rental, parcel delivery plant.

(n) Poultry or rabbit killing, incidental to a retail trade on the same premises.

(o) Tire recapping.

(p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance,

emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(q) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.
 (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
 (aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.
 (cc) Intensity of land use of the site.
 (dd) Potential demand for public facilities and services.
 (ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

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

(r) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3).)
 (b) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

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

(3) Special Use Approval Criteria. Uses allowed under LC 16.225(2) above shall comply with the following criteria:

(a) Conformity with the Rural Comprehensive Plan for Lane County.
 (b) The location, size, design and operating characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) **Property Line Setbacks.** No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space, loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from curb or walk level to a minimum height of eight feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.225(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 20-05, 6.16.20)*

HEAVY INDUSTRIAL ZONE (M-3, RCP) RURAL COMPREHENSIVE PLAN

16.226 Heavy Industrial Zone (M-3, RCP).

(1) Permitted Buildings and Uses. In the M-3, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-2, RCP Zone (LC 16.225(1)).

(c) Industrial and associated commercial buildings and uses. All manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing, researching or any combination thereof of items, material or goods, is permitted.

(d) Other uses similar to the above, and those uses which are unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(e) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(f) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

- (i) Purpose and intent of this District.
- (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
 - (aa) Bulk, size, and operating characteristics of the proposed use.
 - (bb) Parking demand, customer types and traffic generation.
 - (cc) Intensity of land use of the site.
 - (dd) Potential demand for public facilities and services.
 - (ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

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

(g) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

- (a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3)).
- (b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.226(3) above shall comply with the following criteria:

- (a) Conformity with the Rural Comprehensive Plan for Lane County.
- (b) The location, size, design and operation characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-3, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 66 feet shall be a minimum of one foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance of more than 10 feet shall be required. Said vision clearance shall be from the curb or walk level to a minimum of eight feet.

(7) Off Street Parking. (Also see LC 16.250.)

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.226(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 20-05, 6.16.20)*

INMATE WORK CAMP ZONE (IWC/RCP) RURAL COMPREHENSIVE PLAN

16.227 Inmate Work Camp Zone (IWP/RCP).

(1) Purpose. The Inmate Work Camp zone is a special-purpose zoning district designed to accommodate the unique requirements of rehabilitative correctional facilities in rural areas. The zone is intended to be applied consistently with the requirements of the Lane County Rural Comprehensive Plan, Policies Element, Goal 11: Public Facilities and Services Policy #7. Such facilities provide for activities which are as typical of those taking place in, and dependent upon, resource areas; and which, because of their nature, require physical isolation from other developed land uses and the maintenance of continuing security measures for their operation. The zone is also intended to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. Uses permitted in this zone are limited to correctional work camp facilities, and related accessory uses, operated by authorized public agencies or their designates. Such uses normally include, but are not necessarily limited to, supervised living quarters, dining halls, craft areas, counseling areas, indoor and outdoor recreational areas, staff residences and administrative quarters, cleaning and sanitation facilities, onsite water supply and sewage-disposal systems, vehicular parking and circulation areas, outdoor lighting, security alarm systems, perimeter and internal security fencing, and limitations upon the movements of residents and visitors.

(3) Property Development Standards. All uses permitted above shall be subject to the following development standards:

(a) Siting and Fire Safety Standards. All structures designed for human occupancy shall:

(i) Where possible, in consideration of the dimensions and topography of the tract, be sited 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.

(ii) Maintain a fuel break of 50 feet around the structures. Fuel breaks shall be free of hazardous fuels in the form of native vegetation. Fuel breaks shall be continually maintained and may contain individual tree specimens; however, plant materials shall not provide a means of readily spreading fire. Fuel breaks shall comply with the riparian vegetation protection standards of LC 16.227(3)(c) and (d) below.

(iii) Provide an adequate fire suppression system. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump, or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes.

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

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

(iv) Have a spark arrestor on any chimneys and fire retardant roofs.

(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(9), 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. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) 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(5) or LC 16.253(9), as applicable.

(e) Height. None.

(f) Signs.

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

(ii) Signs may be externally illuminated, but not capable of movement.

(iii) Signs shall be limited to 200 square feet in area per sign. *(Revised by Ordinance No. 17-87, Effective 12.25.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04)*

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SUBURBAN RESIDENTIAL ZONE (RA-RCP) RURAL COMPREHENSIVE PLAN

16.229 Suburban Residential Zone (RA-RCP).

(1) Purpose. The purpose of the Suburban Residential Zone (RA-RCP) is:

- (a) To provide opportunities for people to live in a rural area.
- (b) To allow primary and accessory residential uses and nonresidential uses which may be compatible with primary residential uses.
- (c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed or built upon and located within a community area.
- (d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

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

- (a) One single-family dwelling, mobile home or duplex on a legal lot.
- (b) One single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner; provided that the minimum average density per residential unit complies with the following standards:

- (i) Where a community sewerage system and community water system is available, the ratio of residences to area shall not exceed one residence per 10,000 square feet.

- (ii) Where an on-site sewage disposal system and community water system is available, the ratio of residences to area shall not exceed one residence per 20,000 square feet.

- (iii) Where an individual water system and on-site sewage disposal system is available, the ratio of residences to area shall not exceed one residence per acre.

- (iv) In all cases, an approved means of sewerage must be obtained.

(c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:

- (i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.

- (ii) To qualify as a relative of the existing resident, a person shall be the 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 existing resident.

- (iii) Satisfactory evidence of the hardship is furnished which shall include:

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

- (bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

- (iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

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(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

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

(d) Residential Home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or,

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(h) Forest uses, including the propagation and harvesting of forest products, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.

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(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Noncommercial kennel.

(p) Family day care facility in a permitted residence.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home, and accessory uses, for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit as specified in LC 16.229(2)(b) above is maintained.

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

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

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

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

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.229(2) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.229(2) above.

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

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

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

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

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(c) More intensive farm use than those specified in LC 16.229(2)(g) above.

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

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

- (a) Animal hospitals.
- (b) Commercial breeding kennel.
- (c) Commercial kennel.
- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries, human or animal.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste disposal facilities.
- (p) Stables, riding academies and commercial riding.
- (q) Storage facilities for boats and recreational vehicles.
- (r) Sewage treatment facilities.
- (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.

- (u) Mobile home parks.
- (v) Amusement park, carnival or circus.
- (w) Correctional institution.
- (x) Garbage dump, sanitary landfill or solid waste management.
- (y) Jail or penal farm.
- (z) Race track.
- (a-a) Sewage treatment plant.
- (b-b) Boarding of horses for profit.
- (c-c) Primary processing facility.

(5) Hearings Official Approval Criteria. Uses identified in LC 16.229(4) above must comply with the following criteria:

(a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.

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

(c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.

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(d) Where necessary, adequate provisions for access, sewerage and potable water would be provided for the intended use.

(6) Area. The creation of a parcel or lot for RA zoned property shall be subject to the following minimum area requirements:

(a) Where a community sewerage system and community water system is available, the minimum area requirement shall be 10,000 square feet.

(b) Where an on-site sewage disposal system and community water system is available, the minimum area requirement shall be 20,000 square feet.

(c) Where an individual water system and on-site sewage disposal system is available, the minimum area requirement shall be one acre.

(d) In all cases, an approved means of sewerage must be obtained.

(e) There is no minimum lot size for a parcel to accommodate uses allowed by LC 16.229(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28--Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(9), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 15.253(5) or LC 16.253(9), as applicable.

(f) Height. 45 feet shall be the maximum allowable structural height.

(g) Signs.

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

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

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

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(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.229(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

**GARDEN APARTMENT RESIDENTIAL ZONE (RG-RCP)
RURAL COMPREHENSIVE PLAN**

16.230 Garden Apartment Residential Zone (RG-RCP).

(1) Permitted Buildings and Uses. In the RG-RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

- (a) Single-family dwelling.
- (b) Two family dwelling (duplex).
- (c) Multiple dwelling.
- (d) Court apartment, boarding house.
- (e) Townhouse.
- (f) Church.
- (g) Schools, public and private (elementary, junior high, senior high).
- (h) Public building or structure essential to the physical and economic welfare of the area in which located, such as a fire station, library, substation, pump station, reservoir, provided that each interior side and rear yard shall be a minimum of 25 feet in width. No stockpiling or storage of equipment or materials shall be allowed.

- (i) Accessory buildings and structures.
- (j) Private parking area.
- (k) Private parking garage.
- (l) Residential home.
- (m) Bed & Breakfast accommodation.
- (n) Family day care facility in a permitted residence.
- (o) Residential Care Facility, provided, pursuant to ORS 197.667(4), the applicant supplies to the County at the time of application for land use approval a copy of the application and non-confidential supportive documentation for state licensing of the facility.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of the Lane Code. Uses listed below may be subject to Site Review Procedures as

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specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Home Occupations, subject to the following conditions and annual review:

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

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

(iii) Will be operated in a dwelling or other buildings normally associated with uses permitted under LC 16.230(1) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.230(1) above.

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

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

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

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

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

(3) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Sewage treatment plant.

(f) Recreation vehicle park.

(g) Campground or picnic area.

(h) Home occupations meeting the requirements of LC 16.231(3)(b) (RR-RCP Zone).

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(i) Clinic.
 (j) Day nursery school.
 (k) Group care home including residential care facilities as defined by ORS 197.660(1).
 (l) Hospital.
 (m) Nursing home.
 (n) Private and public park, playground or community center.
 (o) Telephone or telegraph exchange, excluding outdoor storage of vehicles or materials.

(4) Special Use Approval Criteria. Uses allowed under LC 16.230(3) above shall comply with following criteria:

(a) Conformity with the Rural Comprehensive Plan for Lane County.
 (b) The location, size, design and operating characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(5) Height. (Also see LC 16.250.) No building may extend above the sun exposure plane.

(6) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) No yard or open space provided for the purpose of complying with the regulations of this section shall be used for public or private parking areas or garages, or other accessory buildings.

(c) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the RG-RCP zone.

(7) Density. Where community sewerage facilities are not available, the minimum area required shall be 3,000 square feet per dwelling unit.

(8) Lot Coverage. All structures, excluding garages, carports and parking spaces, shall not occupy more than 30 percent of the gross area of the lot.

(9) Vision Clearance.

(a) Vision clearance for corner lots shall be a minimum of 15 feet.

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

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(10) Off Street Parking. The number of permanently maintained off street parking spaces required on the site shall be no less than as set forth in the following, and shall be constructed simultaneously with the construction of the applicable permitted zone use. A parking space shall be not less than eight feet wide and 18 feet long, and shall have provisions for ingress and egress. Groups of three or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. No off street parking requirements shall be satisfied within required yard areas.

(a) Residential Types and Parking Space Required.

(i) Dwelling, single-family or two-family - One for each dwelling unit.

(ii) Dwelling, multiple - 1.5 for each dwelling unit; where fractioned, next highest full unit.

(b) Institutional Types and Parking Space Required.

(i) Churches, clubs, lodges - One for every four fixed seats or every eight feet of bench length of every 28 square feet of main auditorium, sanctuary or place of worship, where no permanent seats or benches are maintained.

(ii) Hospitals - One and one-half spaces for each bed; where fractioned, next highest full unit.

(iii) Schools.

(aa) Elementary and junior high schools - One and one half spaces for each teaching station, plus one for every six fixed seats in the auditorium or one for every 42 square feet of seating area, where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(bb) High Schools - One and one half spaces for each teaching station, plus one for every four fixed seats in the auditorium or one for every 28 square feet of seating area where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(iv) Libraries, museums, art galleries . One for each 250 square feet of gross floor area.

(c) Commercial Types and Parking Space Required.

(i) Clinic - One space for every 400 square feet of gross floor area.

(ii) Day Nursery School - One and one-half spaces for each teaching or class station; where fractioned, next highest full unit.

(iii) Nursing homes, group care homes - One space for each two beds.

(11) Signs. Only the following signs shall be permitted in the RG-RCP Zone:

(a) One unlighted nameplate for each dwelling unit, attached flat against the main building, not exceeding 4" x 16" and containing only the names and occupation of the resident of the premises.

(b) One unlighted temporary sign not exceeding six square feet in area, pertaining only to the sale, lease or hire of the particular buildings, property or premises upon which it is displayed.

(c) One unlighted sign for each housing development, not to exceed 20 square feet in area, or five feet in any dimension, and containing no advertising matter, except the name and street address of the development.

(d) Subdivision and directional signs. (See LC 16.259 for permit provision).

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(12) Fences and Walls. There shall be erected a masonry wall or wooden fence along the perimeter of all off street parking areas, except along any portion of such parking area immediately adjacent to a building. Such wall or fence shall contain not less than 60 percent solid face surface and not less than 4' 8" in height; setback shall be in accordance with the requirements for this zone; provided no wall or fence required by this section shall project nearer than five feet to any access drive.

(13) Dedication and Improvement of Easements. No building permit shall be issued, and no use of the property not requiring a building permit shall be made, until the applicant for a permit or user of the property has submitted to and has had approved by the Planning Commission the required dedications of streets and other easements within and around the site, and made the required improvements or provided an agreement and bond in lieu of improvements.

(14) Lot Dimensions. (Also see LC 16.250.)

(a) Minimum area - 20,000 square feet.

(b) Minimum width - 100 feet.

(c) Minimum depth - 80 feet.

(d) The minimum area and width requirements shall not apply to either single-family or two-family dwellings established in an RG-RCP zone. Minimum average area and width requirements for single and two-family dwellings are as set forth in LC 16.250.

(15) Telecommunication Towers. Notwithstanding the requirements in LC 16.230(1)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

**RURAL RESIDENTIAL LANDS ZONE (RR-RCP)
 RURAL COMPREHENSIVE PLAN**

16.231 Rural Residential Lands Zone (RR-RCP).

(1) Purpose. The purpose of the Rural Residential Zone (RR-RCP) is:

(a) To provide opportunities for people to live in a rural area.

(b) To allow primary and accessory residential uses, and nonresidential uses which may be compatible with primary residential uses.

(c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed, built upon, or as nonresource land.

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

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

(a) One single-family dwelling, mobile home, or duplex on a legal lot.

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(b) A single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner, provided that the minimum average density per residential unit (i.e., residences in relationship to acreages: one, two, five or 10 acres, whichever is specified by the zoning map) is maintained, and proper sanitation approvals are obtained.

(c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:

(i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.

(ii) To qualify as a relative of the existing resident, a person shall be the 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 existing resident.

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

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

(bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

(iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

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

(d) Residential home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

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(h) Forest uses, including the propagation and harvesting of forest products grown on the property, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.

(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Family day care facility in a permitted residence.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit is maintained (i.e., not more than one residence per whatever the area requirement is as specified by the zoning map).

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

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

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

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

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(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.231(2) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.231(2) above.

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

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

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

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

(c) More intensive farm use than those specified in LC 16.231(2)(g) above.

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

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

- (a) Animal hospitals.
- (b) Commercial breeding kennel.
- (c) Commercial kennel.
- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste management.

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(p) Stables, riding academies and commercial riding.
 (q) Storage facilities for boats and recreational vehicles.
 (r) Sewage treatment facilities.
 (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.

(u) An expansion of a mobile home park meeting the requirements of a permitted use under LC 16.231(2)(n) above and which does not exceed 50 percent of the number of mobile home spaces lawfully existing as of February 29, 1984; provided the expansion includes adequate provisions for access to and within the mobile home park and provided adequate provisions are made for sewerage and potable water.

(v) A mobile home park on property for which a conditional use permit for: a mobile home park had previously been approved by Lane County and not denied on appeal to the State; provided:

(i) The previous conditional use permit was approved after January 1, 1982.

(ii) The proposed mobile home park is not substantially different than the one previously approved in LC 16.231(4)(v)(i) above.

(iii) The application for the proposed mobile home park is received and accepted prior to January 1, 1985.

(iv) There are adequate provisions for access to and within the proposed mobile home park and adequate sewerage and potable water.

(w) Primary processing facility.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.231(4) above are subject to compliance with the following criteria:

(a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.

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

(c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.

(6) Area. Land within the Rural Residential Zone shall be designated and adopted on the zoning map as RR-1, RR-2, RR-5 or RR-10, and the creation of a parcel or lot shall be subject to compliance with LC Chapter 13 and the following minimum area requirements:

(a) RR-1: 1 acre

(b) RR-2: 2 acres

(c) RR-5: 5 acres

(d) RR-10: 10 acres

(e) In either RR-1, RR-2, RR-5 or RR-10, the minimum acreage may be less than required above and whatever size is necessary to accommodate uses specified in LC 16.231(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28 --Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(9), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(5) or LC 16.253(9), as applicable.

(f) Height. None

(g) Signs.

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

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

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

(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.231(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

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**DESTINATION RESORT ZONE (DR-RCP)
 RURAL COMPREHENSIVE PLAN**

16.232 Destination Resort Zone (DR-RCP).

(1) Purpose. The purpose of the Destination Resort Zone (DR-RCP) is:

(a) To recognize that large-scale, destination oriented, multiuse recreational facilities are appropriate in Lane County.

(b) To implement the policies of the Lane County Rural Area Comprehensive Plan which address Destination Resorts.

(c) To establish a procedure and standards for the development of Destination Resort facilities.

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

(a) Living accommodations, including lodges, hotels, motels, cabins, condominiums, single-family and multifamily dwelling units, and structures, such as garages normally subordinate to such accommodations, provided at least 75 percent of the living accommodations shall be for other than year-round residents.

(b) All manner of outdoor and indoor recreational facilities, including, but not limited to, golf courses, tennis courts, swimming pools, racquetball and handball courts, riding stables and trails, nature trails, and pathways for walking/running/bicycling, campgrounds or camps, and parks.

(c) Convention facilities and meeting rooms.

(d) When incidental to and together with the uses described in LC 16.232(2)(a),(b) and (c) above, the following uses;

(i) Restaurants, lounges and nightclubs.

(ii) Theaters and performing arts auditoriums.

(iii) Health clubs, spas and exercise studios.

(iv) Craft and art studios and galleries.

(v) Gift shops and retail convenience stores.

(vi) Kennels as a service to resort guests only.

(vii) Commercial services and speciality shops to provide only for the needs of vacationers and visitors.

(viii) Airport or heliport.

(ix) First aid station or infirmary.

(x) Facilities necessary for utility service.

(xi) Sewer and water treatment plant.

(xii) Farm and forest uses.

(xiii) Personal services.

(e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).

(3) Special Criteria and Conditions. Application for, and decisions concerning, the Destination Resort Zone shall follow the procedures and criteria defined in LC 16.400 for amendments to the Rural Comprehensive Plan. Conditions may be established in the approval of an application for the one, such conditions to be directed toward the zoning itself, the preliminary design of the proposed development or the final design/implementation of the proposed development. A site Review Permit pursuant to LC 16.257 shall be required in all cases, irrespective of other conditions, prior to approval of development on the site. A means of ensuring compliance with such conditions may be

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established, such as Letter of Credit, Bond, Assignment of Savings or Contact between the applicant and the County.

(4) Special Siting and Fire/Safety Standards for Structures. All structures within an approved Destination Resort Zone shall adhere to the following:

(a) Setbacks shall comply with LC 16.211(8)(a) of the F-2 zone.
 (b) Shall maintain a fuel break 50 feet around each structure, and around the entire developed portion of the proposed development, in forested and agricultural areas where measurable fire hazard exists. Such fuel breaks may contain vegetation of a type which will not readily spread fire, and shall be continually maintained for their intended uses.

(c) Shall incorporate a fire suppression system acceptable to the local fire official and to the County.

(d) Shall incorporate fireproof and fire-resistant materials in structures to the maximum feasible extent.

(5) Other Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(9), no structure other than a fence or sign 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 lesser setback may be allowed if:

(i) The Department of Fish and Wildlife is consulted by the Department at least 10 days prior to issuing a permit for a structure; and

(ii) The riparian vegetation does not actually extend all the way into the 100-foot setback to the location of the proposed structure, and the riparian vegetation has not been removed in violation of the below riparian vegetation maintenance standards; or

(iii) An application for a variance to the above setback standards has been approved pursuant to LC 16.256 with findings of compliance to the Rural Comprehensive Plan policies for the protection of Class I streams and riparian vegetation.

(c) Maintenance, Removal and Replacement of Riparian Vegetation. Except as provided in LC 16.253(9), as applicable, the following standards shall apply for the maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan:

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

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.232(5)(c)(i) above. Where vegetation removal beyond that allowed in LC 16.232(5)(c)(i) above cannot be avoided, the site shall be replaced during the next replanting season to avoid water

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sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Commercial forest practices regulated by the Oregon Forest Practices Act.

(bb) Vegetation removal necessary to provide water access for a water dependent use.

(cc) Removal of dead or diseased vegetation that poses a safety or health hazards.

(dd) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(d) Development Orientation. Any commercial, cultural or entertainment services provided as a part of the Destination Resort shall be contained within the development and shall not be oriented to public highways adjacent to the property. The buildings shall be designed to be compatible in appearance with the living accommodations and shall be constructed of similar materials.

(e) Impact on Adjacent Properties. A Destination Resort shall not significantly alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the normal permitted uses of the surrounding properties. It shall not force a significant change in or significantly increase the cost of farming or forestry practices on nearby lands devoted to such uses.

(f) Signs.

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

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

(iii) Signs shall be of a design compatible with the surrounding natural area.

(iv) Signs shall be limited to 100 square feet in area.

(6) Area. The ratio of developed (structures, paved surfaces, facilities) to undeveloped land shall not exceed 50 percent. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-04, 6.4.04; 5-04, 7.1.04)*

**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 are 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) Preliminary Investigation. Prior to commencement of any development within the /SN-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /SN-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.237(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.237(7)(h) or (10). The requirements of the /SN-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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(3)(c)(i)(cc), 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.

(4) 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 must be charged to the applicant. Such fees will be as established by order of the Board of County Commissioners.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /SN-RCP Zone, and must set forth the basis for the determination based on the criteria specified in LC 16.237(3).

(6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(7) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(3), 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 will 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).
- (h) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.237(8)(a)(i) or (b)(i).
 - (i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.
 - (ii) Except as provided in LC 16.237(7)(h)(iii), all structures must be set back 100 feet from the ordinary high water line of lakes and estuaries.
 - (iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.
 - (iv) No vegetation removal is permitted within 100 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.
 - (v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.237(10)(g).
 - (vi) Decks, uncovered porches, and stairways may extend a maximum distance of 10 feet into the setback area as specified by LC 16.237(10)(h).
 - (vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(8) 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(3), the following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 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. Unless an applicant seeks approval under LC 16.237(7)(h), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.237(10) and (11) 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(10) and (11). Unless the applicant seeks approval under LC 16.237(7)(h), the following criteria apply to the use.

(ii) Criteria and Conditions.

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

(bb) The structures must 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(9), and except for the development of housing permitted by LC 16.237(7)(h).

(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, is the proper consulting agency in this regard.

(dd) All requirements set forth in LC 16.237(10) and (11) 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 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 must 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.

(9) 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(3), 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.

(10) 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(3), the development requirements of LC 16.237(10)(a) through (n) are in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements do not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, must conform to Oregon Forest Practices Act rules. These requirements do not apply to housing as permitted by LC 16.237(7)(h).

(a) No more of a parcel's existing vegetation may 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 must 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(10)(a). Where vegetation removal beyond that allowed in LC 16.237(10)(a) cannot be avoided, the site must be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation must be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance must 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(10)(m) and (n).

(f) The shoreward half of the setback area specified by LC 16.237(10)(m) and (n) 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(10)(m) and (n).

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

(i) All mature trees must be retained within the setback area specified by LC 16.237(10)(m) and (n), except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures must be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

(k) The exterior building materials must 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 must 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.

(m) Structures must be setback 100 feet from coastal lakes and the estuary measured at right angles to the high water line. Use of this 100 feet must be as specified in LC 16.237(10)(e)-(h).

(n) Building setbacks on oceanfront parcels are determined in accordance with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setbacks must be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(11) Special Land Division Requirements. The following criteria must be met for land divisions on property within the /SN- RCP Zone, based on the Preliminary Investigation in LC 16.237(3). 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.

(c) Land divisions meeting LC 16.237(11)(a) or (b) 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.

(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) Application of Zone to Federal Lands. The application of the /SN-RCP Zone must 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 must provide appropriate Federal agencies with local recommendation for proper use of these lands. Uses requiring State and Federal permits are subject to the following:

(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 must 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 must 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 must 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. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10; 7-12, 12.28.12; 20-05, 6.16.20)*

**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 are 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) Preliminary Investigation. Prior to commencement of any development within the /SN-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /SN-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.238(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.238(7)(g) or (10). The requirements of the /PW-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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(3)(c)(i)(cc), 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.

(4) 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 must be charged the applicant. Such fees will be as established by order of the Board of County Commissioners.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /PW-RCP Zone and must set forth the basis for the determination based on the criteria specified in LC 16.238(3).

(6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(7) Permitted Uses. In areas found subject to the requirements of the /PW-RCP Zone by the Preliminary Investigation specified by LC 16.238(3), 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 will 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).

(g) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.238(8)(a)(i) or (b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.238(7)(g)(iii), all structures must be set back 100 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 50 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

(v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.238(10)(g).

(vi) Decks, uncovered porches, and stairways may extend a distance of 10 feet into the setback area as specified by LC 16.238(10)(h).

(vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(viii) The Oregon Department of Fish and Wildlife will be notified of development proposals allowed per LC 16.238(7)(g) within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(8) 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(3), the following specified uses and no others are subject to prior submittal and approval, of an application pursuant to Type II procedures of LC Chapter 14 and 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. Unless an applicant seeks approval under LC 16.238(7)(g), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.238(10) and (11) 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(10) and (11). Unless an applicant seeks approval under LC 16.238(7)(g), the following criteria apply to the use.

(ii) Criteria and Conditions.

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

(bb) The structures must 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(9), and except for the development of housing permitted by LC 16.238(7)(g).

(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(10) and (11) 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(10) and (11) 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, pilingtype docks and piers.

(ii) Criteria.

(aa) No reasonable alternatives exist to the construction of a single-family, single-use pier. Alternatives 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 must 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.

(9) 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(3), 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.

(10) 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(3), the development requirements of LC 16.238(10)(a) through (n) are in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements do not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, must conform to Oregon Forest Practices Act rules. These requirements do not apply to housing as permitted by LC 16.238(7)(g).

(a) No more of a parcel's existing vegetation may 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 must 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(10)(a). Where vegetation removal beyond that allowed in LC 16.238(10)(a) cannot be avoided, the site must be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation must be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance must 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(10)(m) and (n).

(f) The shoreward half of the setback area specified by LC 16.238(10)(m) and (n) 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(10)(m) and (n).

(h) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.238(10)(m) and (n).

(i) All trees must be retained within the setback area specified by LC 16.238(10)(m) and (n), except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures must be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.

(k) The exterior building materials must 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 must 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.

(m) Structures must be set back 50 feet from coastal lakes and the estuary measured at right angles to the ordinary high water line. Use of this 50 feet must be as specified in LC 16.238(10)(e)-(h).

(n) 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 must be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

(11) Special Land Division Requirements. The following criteria must be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(3). 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 must 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.

(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) 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. Uses requiring State and Federal permits are subject to the following:

(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 must 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 must 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 must 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. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 6-10, 9.17.10; 7-10, 11.25.10; 20-05, 6.16.20)*

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 must 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 apply.

(3) Preliminary Investigation. Prior to commencement of any development within the /NRC-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /NRC-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.239(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.239(7)(i) or (10). The requirements of the /NRC-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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(3)(c)(i)(cc), 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.

(4) 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 must be as established by order of the Board of County Commissioners.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must

include a site plan delineating 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(3).

(6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(7) Permitted Uses. In areas found subject to the requirements of the /NRC-RCP Zone by the Preliminary Investigation specified by LC 16.239(3), 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 must 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.

(i) Housing as defined by LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.239(8)(a)(i) or (b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.239(7)(i)(iii), all structures must be set back 100 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 50 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

(v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.239(10)(e).

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

(vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(8) 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(3), the following specified uses and no others are subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and 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. Unless an applicant seeks approval under LC 16.239(7)(i), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.239(9) and (10) 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(9) and (10). Unless an applicant seeks approval under LC 16.239(7)(i), the following criteria apply to the use.

(ii) Criteria.

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

(bb) The structures must 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(9) 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. Unless an applicant seeks approval under LC 16.239(7)(i), the following criteria apply to the use.

(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(9)(d).

(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, and except for the development of housing permitted by LC 16.239(7)(i).

(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(9) and (10) 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 must outweigh the negative impacts on water quality.

(9) 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(3), the development requirements of LC 16.239(9)(a) through (j) are 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. These requirements do not apply to housing as permitted by LC 16.239(7)(i).

(a) Development on shorelands within dune areas must 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 must be retained on lands within the shoreland area. Construction activities must 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 must be required during the construction phase of any project.

(c) Thirty feet of indigenous riparian vegetation must be retained along all coastal water bodies. This must 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(9)(i) and (j).

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.239(9)(i) and (j).

(g) The requirements for parking and vision clearance must 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.

(i) 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).

(j) 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.

(10) Special Land Division Requirements. The following criteria must be met for land divisions on property within the /NRC-RCP Zone, based on the Preliminary Investigation in LC 16.239(3). 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.

(11) 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.

(12) Application of Zone to Federal Lands. The application of the /NRC-RCP Zone must 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 must provide appropriate Federal agencies with local recommendation for proper use of these lands.

(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 must 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 must 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 must 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.

(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10; 20-05, 6.16.20)

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) Preliminary Investigation. Prior to commencement of any development within the /RD-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /RD-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability an existence of characteristics provided by LC 16.240(3)(a) through (g) and determine the ordinary high water line and setback areas as provided in either LC 16.240(7)(h) or (10). The requirements of the /RD-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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), 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.

(4) 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 must be charged the applicant. Such fees will be as established by order of the Board of County Commissioners.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /RD-RCP Zone, and must set forth the basis for the determination based on the criteria specified in LC 16.240(3).

(6) Appeal to the Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(7) Permitted Uses. In areas found subject to the requirements of the /RD-RCP Zone by the Preliminary Investigation specified by LC 16.240(9), 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.

(h) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.240(8)(a)(i) or (b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.240(7)(h)(iii), all structure must be set back 50 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 100-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 50 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

(v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.240(10)(e).

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

(vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(8) 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(3), the following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones. Unless an applicant seeks approval under LC 16.240(7)(h), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.240(10) and (11) 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(10) and (11). Unless an applicant seeks approval under LC 16.240(7)(h), the following criteria apply to the use.

- (ii) Criteria and Conditions.
 - (aa) The said parcel existed prior to July 24, 1980.
 - (bb) The structures must 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(9).
- (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 will be the proper consulting agency in this regard.
 - (cc) All requirements set forth in LC 16.240(10) and (11) 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 must 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.

(9) 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.

(10) 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(3), the development requirements of LC 16.240(10)(a) through (j) are in addition to those provided by the respective zone or zones with which the /RD-RCP Zone is combined. These requirements do 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 must 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 must be retained on lands within the shoreland area. Construction activities must 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 is required during the construction phase of any project.

(c) Within the setback area specified under LC 16.240(9)(i) and (j), all indigenous riparian vegetation, except that removed to provide paths to the water body, 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 must 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, must 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 is the responsibility of the landowner.

(e) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.240(9)(i) and (j).

(f) Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by LC 16.240(9)(i) and (j).

(g) The requirements for parking and vision clearance must 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.

(i) 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 is as specified in LC 16.240(10)(c)-(f).

(j) 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.

(11) Special Land Division Requirements. The following criteria must be met for land divisions on property within the /RD-RCP Zone, based on the Preliminary

Investigation in LC 16.240(3). 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.

(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) Application of Zone to Federal Lands. The application of the /RD-RCP Zone must 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 must provide appropriate Federal agencies with local recommendation for proper use of these lands.

(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 must 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 must 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. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10; 20-05, 6.16.20)*

**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) Preliminary Investigation. Prior to commencement of any development within the /MD-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /MD-RCP Zone shall apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.241(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.241(7)(c) or (10). The requirements of the /MD-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the following 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), 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.

(4) 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.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /MD-RCP Zone, and will set forth the basis for the determination based on the criteria specified in LC 16.241(3).

(6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), 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 14.080.

(7) Permitted Uses. In areas found subject to the requirements of the /MD-RCP Zone by the Preliminary Investigation specified by LC 16.241(3), 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.
- (c) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.241(8)(b)(i).
 - (i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.
 - (ii) Except as provided in LC 16.241(7)(c)(iii), all structure must be set back 100 feet from the ordinary high water line of lakes and estuaries.
 - (iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.
 - (iv) No vegetation removal is permitted within 100 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.
 - (v) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.
 - (vi) The development of housing is prohibited on properties contiguous to oceans, estuaries, streams, lakes, and rivers.

(8) 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(3), the following specified uses and no others are permitted subject to approval by the Planning Director pursuant to LC 14.030(1)(b), 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 must 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. Unless an applicant seeks approval under LC 16.241(7)(c), the following criteria apply to the use.

(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(10), (11) and (3) 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(7), (8) and (9).

(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(7), (8) and (9).

(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(10)(b) and (c) and LC 16.241(11) and (3) apply.

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

(9) Determination of Land Suitable for Water Dependent/Water Related Uses. The following criteria must 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.

(10) 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(3), the development requirements of LC 16.241(10)(a) through (d) are in addition to those provided by the respective zone or zones with which the /MD-RCP Zone is combined. These requirements may not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /MD-RCP Zone is combined, must conform to Oregon Forest Practices Act rules.

(a) Riparian vegetation must 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 must 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 must 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 must 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.

(11) Special Land Division Requirements. The following criteria must be met for land divisions on property within the /MD-RCP Zone, based on the Preliminary Investigation in LC 16.241(3). 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.

(12) 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.

(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. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10; 20-05, 6.16.20)*

**DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP)
RURAL COMPREHENSIVE PLAN**

16.242 Dredge Material Mitigation Site Combining Zone (/DMS-RCP).

(1) Purpose. The Dredge Material/Mitigation Site Combining Zone (/DMS-RCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Rural Comprehensive Plan. The purpose of the /DMS-RCP Zone is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS-RCP Zone may only be applied, where appropriate, in combination with the three Estuary Zones (/NE-RCP, /CE-RCP, or /DE-RCP), or with the Significant Natural Shorelands Combining Zone (/SN-RCP), Natural Resources Conservation Combining Zone (/NRC-RCP), Residential Development Shorelands Combining Zone (/RD-RCP) and Shorelands Mixed Development Combining Zone (/MD-RCP) and the underlying zones with which the Shorelands zones are combined.

(2) Permitted Uses and Buildings.

(a) Farm uses as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(b) Propagation and harvesting of forest products as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(c) Dredged material deposition; provided, however, such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.

(d) Activities in conjunction with a mitigation plan approved by the Division of State Lands; provided, however, such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan.

(3) Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to approval of the Planning Director as provided for in LC 14.100, based on the criteria below. The use of a manufactured home or recreational vehicle serving as a temporary use for the

term of a medical hardship suffered by a resident of an existing dwelling as permitted by the underlying zone is exempt from this section and does not require further review. Otherwise, the following criteria apply to review of a use in the /DMS-RCP Zone:

(a) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this zone; or

(b) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project.

(4) Stabilization of Dredged Materials. It is the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained.

(5) Responsibility to Acquire Mitigation/Restoration Sites. It is not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation channel and development of the estuary. It is also not the responsibility of Lane County to acquire sites for restoration to the estuary. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 7-12, 12.28.12; 20-05, 6.16.20)*

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 are 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 requirement applies.

(3) 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.

(4) Preliminary Investigation Required. Prior to commencement of any use or 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, requires a

Type I Preliminary Investigation (Development Hazards Checklist) field assessment conducted by Lane County staff 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 is required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

(5) 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 must be charged to the applicant. Such fees must be as established by order of the Board of County Commissioners.

(6) Prohibited Development Areas. No development, with the exception of minimal development, is permitted on the following dune landforms listed in subsections (a) through (d). The presence of these dune landforms must be determined through the Preliminary Investigation as required by LC 16.243(4):

- (a) Beaches, except as provided for in LC 16.243(8)(a).
- (b) Foredunes, if subject to wave overtopping or ocean undercutting.
- (c) Active dune forms. 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.
- (d) Nearshore deflation plain.

(7) Permitted Uses.

(a) All permitted uses and development 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(8).

(b) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.243(8).

(i) Except for the allowance for driveway access, removal of vegetation and/or topographic modification is limited to an area within 40 feet of the center of the dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline. Vegetation removal for the construction of a 16-foot wide driveway access extending from the property boundary to a dwelling is allowed and is not subject to the limitations of this subsection.

(ii) No topographic modification of slopes or development of housing located on slopes greater than twenty five percent (25%) is allowed. Slopes must be measured using five-foot contours as the vertical distance divided by the horizontal distance expressed as a percentage. Slopes must be measured perpendicular to the topographic contours.

(iii) Removal of vegetation or topographic modification for sanitary disposal systems is limited to the required development area as provided by an approved sanitation investigation from the Lane County On-Site Wastewater program.

(iv) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200 feet from the same vegetation line.

(v) Sand stabilization is required during all phases of construction as specified by complying with methods provided in Lane Manual Chapter 10.005.056.B.1

(vi) Development of housing is prohibited on dune areas with compressible subsurface soils. The presence or non-presence of compressible soils must be determined by an Oregon Licensed Engineer and shown on a scaled site plan, stamped by the engineer.

(vii) No new buried fuel tanks may be permitted with the development of housing as permitted under this section.

(8) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal of an application pursuant to LC 14.040 and approval by the Director pursuant to LC 14.030(1)(b), 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.
 - (cc) A Site Investigation Report, as determined by the outcome of a Preliminary Investigation pursuant to LC 16.243(4)
 - (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.

(h) (i) Uses. New single-family homes, mobile homes and such accessory buildings as allowed in the underlying zone. Unless an applicant seeks approval under LC 16.243(7)(b), the following criteria apply to the use.

- (ii) Criteria. All requirements set forth in LC 16.243(9) are met.

(9) Site and Development Requirements. The following requirements apply to all development, except housing as allowed by LC 16.243(7)(b), and the harvesting of timber, as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities must conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:

(a) Development must 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 must 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(9)(a) must be replanted within nine months of the termination of major construction activity.

(d) Sand stabilization is required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(e) Development must result in the least topographic modification of the site as is possible.

(f) Slopes in excess of 25 percent are 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, are allowed only after a thorough foundation check and positive findings are reported.

(h) The requirements for yards, setback, area, vision clearance and parking spaces are 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.

(i) Any development, with the exception of development provided for as special uses in LC 16.243(8) 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:

(i) Low elevation of the site with respect to potential for wave action.

(ii) Instability of dune landforms protecting the site from wave action.

(10) 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 is allowed.

(11) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) determines if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

(12) Notification of SIR Requirement. The Planning Director must notify the applicant of the results of the Preliminary Investigation and if a SIR is required. The notification must be by mail within 10 days of completion of the Preliminary Investigation.

(13) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation must be paid by the applicant.

(14) Qualifications for SIR Preparation. The SIR must be prepared by a person or team of persons qualified by experience, training and area. The applicant must 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.

(15) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

(16) 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.

(17) 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 is as provided by LC 14.080

(18) Uses Subject to State and Federal Permits and Application of Zone to Federal Lands. The application of the /BD-RCP Zone must 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 provides appropriate Federal agencies with local recommendation for proper use of these lands.

(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 must 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 must also require the securing of any necessary State or Federal permit, lease, easement of similar type of authorization.

(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 6-10, 09.17.10; 7-10, 11.25.10; 20-05, 6.16.20)

**STREAM RIPARIAN REGULATIONS
RURAL COMPREHENSIVE/METRO PLAN**

16.253 Riparian Regulations.

(1) Purpose. The purpose of the Riparian Regulations is to implement the Goal 5 Flora and Fauna policies and the Goal 6 Water Resources policies of the Lane County Rural Comprehensive Plan and the Goal 5 riparian policies of the Eugene-Springfield Metropolitan Area General Plan.

(2) Riparian Setback Area. The riparian setback area is defined as the area within 100 feet of the ordinary high water line of a Class I stream in resource zones, and the area within 50 feet of the ordinary high water line of a Class I stream in nonresource zones. The riparian setback is the horizontal distance upland of the ordinary high water line of Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan. For the purpose of implementing the standards of this chapter, Resource Zones shall be: LC 16.210 (F-1); LC 16.211 (F-2); LC 16.212 (EFU); LC 16.213 (NR); LC 16.214 (ML); LC 16.215 (PR); LC 16.216 (QM); LC 16.227 (IWC); and LC 16.232 (DR); and Nonresource Zones shall be: LC 16.219 (PF); LC 16.220 (C-1); LC 16.221 (C-2); LC 16.222 (C-3); LC 16.223 (C-R); LC 16.224 (M-1); LC 16.225 (M-2); LC 16.226 (M-3); LC 16.229 (RA); LC 16.230 (RG); LC 16.231 (RR); LC 16.290 (RR); LC 16.291 (RC); LC 16.292 (RI); LC 16.294 (RPF); and LC 16.295 (RPR).

(3) Riparian Setback Area Declaration. Prior to the approval of new structures, replacement structures, or the expansion of existing structures, the riparian setback area must be determined and demarcated as described in LC 16.253(2) when the structure is partially or wholly within 125 feet of a Class I stream in resource zones or within 75 feet of a Class I stream in nonresource zones. The riparian setback area will be determined through a Type I Riparian Declaration Application, including a field assessment conducted by Lane County Staff, an Oregon Professional Land Surveyor, or an associate under the direct supervision of an Oregon Professional Land Surveyor.

(a) If the riparian setback area determination is completed by a surveyor or their associate, the ordinary high water line and riparian setback area must be identified and temporarily demarcated by stakes in the ground that stand at least 3 feet above grade and the locations of the demarcations labeled on a scaled site plan stamped by the surveyor. Photographs must be provided by the applicant showing the temporary demarcations both up and downstream of the development site and each photo must be labeled for reference to its location on-site/on the site plan. The materials as described by this section must be submitted with a Riparian Declaration Application.

(4) Development within the Riparian Setback Area. No new structure or expanded portion of a structure is allowed in the riparian setback area, except as allowed by LC 16.253(6) and approved through a Type II procedure pursuant to LC Chapter 14.

(5) Standards for Removal of Vegetation within the Riparian Setback Area. The following standards apply to the removal of vegetation as defined by LC 16.090 within the riparian setback area as determined by LC 16.253(3).

(a) For the development of housing as defined by LC 16.090, the removal of vegetation within the riparian setback area is subject to the following standards. For purposes of LC 16.253(5)(i) through (iii), the center of the dwelling is measured from the geographical center of a rectangle that encompasses the entirety of the roofline of the proposed structure and that is not larger than the full extent of the roofline.

(i) For lawfully established units of land having frontage of 200 feet or less in length adjacent to or along a Class I stream, vegetation removal is limited to within 30 feet of the center of the dwelling; or

(ii) For lawfully established units of land having frontage of more than 200 feet but less than 400 feet in length adjacent to or along a Class I stream, vegetation removal is limited to within 40 feet of the center of the dwelling; or

(iii) For lawfully established units of land having frontage of 400 feet or more in length adjacent to or along a Class I stream, vegetation removal is limited to within 50 feet of the center of the dwelling.

(iv) The removal of vegetation is permitted for the development or maintenance of a single vehicular access to a dwelling.

(v) The total vegetation removal allowed pursuant to LC 16.253(5)(i) through (iv) may not exceed twenty five percent (25%) of the total riparian setback area on the lawfully established unit of land.

(b) For uses and development other than the development of housing pursuant to LC 16.253(5)(a), the removal of existing vegetation from within the riparian setback area of any lawfully established unit of land for any other uses must not exceed the shoreline linear frontage and square footage limitations calculated as follows:

(i) The maximum allowable removal for any lawfully established unit of land having frontage of 200 feet or less in length along a Class I stream must not exceed 50 linear feet along the shoreline and an area not greater than 2,500 square feet within the riparian setback area of a Nonresource Zone, or 5,000 square feet within the riparian setback area of a Resource Zone.

(ii) The maximum allowable removal for any lawfully established unit of land having frontage of more than 200 feet but less than 400 feet in length along a Class I stream must not exceed 25 percent of the total linear footage along the shoreline, and an area not greater than 25 percent of the total square footage of the entire area within the riparian setback area.

(iii) The maximum allowable removal for any lawfully established unit of land having frontage 400 feet or greater in length along a Class I stream must not exceed 100 linear feet along the shoreline of the Class I stream and an area not greater than 5,000 square feet within the riparian setback area of a Nonresource Zone, or 10,000 square feet within the riparian setback area of a Resource Zone.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(5)(b), without prior Planning Director approval will require compliance with the provisions of LC 16.253(7) and LC 16.253(8)(c), and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(5)(b).

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(5)(b).

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the Soil and Water Conservation District (SWCD) after consultation with the Oregon Department of Fish and Wildlife (ODFW).

(vi) In areas that are regulated for aquatic species by the federal Endangered Species Act, construction, maintenance, preservation, repair and replacement of road and ancillary facilities, including bridges, culverts, drainage improvements,

embankments, retaining walls, revetments, rip-rap and other slope stabilization structures, conducted under the jurisdiction of Lane County, the Oregon Department of Transportation, or Federal Transportation Authorities, when such activity is a public improvement project within a public right-of-way, or within an area being used for the public improvement project including access easements, areas used for construction staging, areas for storage of materials and temporary detours, and further provided that such work is conducted in compliance with the following:

(aa) In the absence of Routine Road Maintenance Best Management Practices (BMP's) pursuant to Section 4(d) of the Endangered Species Act for Limit 10 of take prohibition specifically developed and recognized by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for Lane County, routine road maintenance is conducted in accordance with the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (BMP's) as published in the Federal Register; or

(bb) Road work other than routine maintenance is conducted in accordance with the Reasonable and Prudent Measures (RPM's) prescribed in the current "Programmatic Biological Opinion and Magnuson - Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Regulatory and Operational Activities Carried out by the Department of the Army Permits in Oregon;" or

(cc) The road work is conducted in compliance with the requirements described in a site-specific Biological Opinion of the National Marine Fisheries Service; or

(dd) Such work is conducted in compliance with other final rules published in the Federal Register, consultation decision or conference decision by the National Marine Fisheries Service, the United States Fish and Wildlife Service, or a successor agency pursuant to the Endangered Species Act.

(6) Alternative Standards for Development and Vegetation Removal in the Riparian Setback Area. Compliance with the structural development prohibition in LC 16.253(4) and the vegetation removal standards of LC 16.253(5) is required unless the following alternative standards are met, and provided ODFW is consulted by the Planning Director at least 10 working days prior to the initial permit decision. An application that satisfies LC 14.040 and addresses these alternative standards must be processed as a Type II procedure pursuant to LC 14.030(1)(b).

(a) For the purposes of deviating from the structural prohibition in LC 16.253(4), structural development must not result in the total removal of vegetation within the riparian setback area in excess of the standards of LC 16.253(5)(b); and either:

(i) The riparian vegetation does not actually extend all the way into the riparian setback area to the location of the proposed structure. This determination must include consideration of any evidence of riparian vegetation existing prior to any removal of indigenous vegetation before or during the application review period; or

(ii) It can be demonstrated that an unduly restrictive burden would be placed on the property owner if the structure was not allowed to be located within the riparian setback area.

(b) For the purpose of deviating from the riparian setback vegetation removal standards of LC 16.253(5)(b), an application for approval of a Riparian Area Setback Alteration Plan must be submitted pursuant to one of the applicable procedures in LC 16.253(8) and may be subject to other remedies available for violation of the standards above.

(7) Restoration of Indigenous Vegetation Within the Riparian Setback Area. Any removal or destruction of indigenous vegetation within the riparian setback area in

excess of the provisions of LC 16.253(5) without an approved Riparian Setback Area Alteration Plan will require an application for a Preliminary Investigation pursuant to LC 16.253(7)(a)-(c). Potential impacts identified in LC 16.253(7)(a), must be addressed and/or mitigated through the review, approval and implementation of a Riparian Setback Area Restoration Plan pursuant to LC 16.253(8)(c).

(a) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal, alteration or destruction and the potential impacts of the removal in excess of the standards of LC 16.253(5)(b). For the purposes of LC 16.253(5) and (7), potential adverse impacts include the removal or destruction of vegetation in whole or part, which is detrimental to the functions identified in LC 16.253(7)(a)(i)-(iv). This investigation must identify the approval criteria which must be addressed by the property owner in the Riparian Setback Area Restoration Plan pursuant to LC 16.253(8)(c) and must include identification of the removed, altered or destroyed indigenous vegetation in excess of the standards of LC 16.253(5)(b), serving one or more of the following functions:

- (i) Shading of Class I streams.
- (ii) Stabilization of a stream bank or shoreline.
- (iii) Habitat for sensitive aquatic or terrestrial wildlife species.
- (iv) Habitat for rare, endangered or threatened species.

(b) Notification of Preliminary Investigation Determination. The planning Director must notify the applicant of the determination of the Preliminary Investigation by certified mail within 10 days of completion of the Preliminary Investigation. The notification must include a map at the appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the riparian setback area, the area of removal in excess of the standard in LC 16.253(5)(b), and must set forth the determination of the potential adverse impacts identified in LC 16.253(7)(a).

(c) Fees for a Preliminary Investigation. To partly defray the expense in performing the Preliminary Investigation, a fee must be charged the applicant. Such fees must be as established by order of the Board of County Commissioners.

(8) Riparian Setback Area Alteration Plan Submittal. An application for approval of a Riparian Setback Area Alteration Plan as required by LC 16.253(5)(c), must be submitted pursuant to one of the following applicable classifications and procedures.

(a) Riparian Setback Area Development Plan. The person proposing the development or removal in excess of the linear and square footage standard of LC 16.253(5)(b), must submit a Riparian Setback Area Development Plan to the Planning Director pursuant to LC 14.030, which sufficiently identifies the location, nature and scope of the proposed development or removal of vegetation in excess of the provisions of LC 16.253(5)(b), prior to removal. The Riparian Setback Area Development Plan must maintain a minimum of 75 percent (75%) of the total area of the riparian setback area in a vegetated state and the following approval criteria:

- (i) Vegetation removal in excess of the standard of LC 16.253(5)(b), must be limited in scope to accommodate the approved Riparian Setback Area Development Plan only and must be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(8)(g);
- (ii) The proposed development or removal must not have a substantial adverse impact on significant wildlife habitat;
- (iii) The proposed development or removal must not have a substantial adverse impact on stream bank or shoreline stabilization; and
- (iv) The removal or alteration of indigenous vegetation from within the riparian setback area of a legal lot must not exceed 25 percent of the total area of the

entire riparian setback area and 25 percent of the total linear footage along the shoreline of a Class I stream.

(b) Riparian Setback Area Enhancement Plan. The person proposing the removal of vegetation from within the riparian setback area in excess of LC 16.253(5)(b), to enhance the riparian setback area by replanting with indigenous vegetation, must submit a Riparian Setback Area Enhancement Plan to the Planning Director pursuant to LC 14.030, which sufficiently identifies the location, nature and scope of the proposed enhancement of indigenous vegetation within the riparian setback area. The Riparian Setback Area Enhancement plan must establish compliance with the following approval criteria:

(i) Vegetation removal or thinning in excess of LC 16.253(5)(b) must be limited in scope to accommodate the approved Riparian Setback Area Enhancement Plan only and must be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(8)(g);

(ii) The proposed alteration and enhancement activities must provide for the diversification of the indigenous vegetation; and

(iii) The proposed alteration and enhancement activities must maintain stream bank and shoreline stability.

(c) Riparian Setback Area Restoration Plan. Where required by the Preliminary Investigation, the property owner and the person responsible for removal or destruction of vegetation from within the riparian setback area in excess of the provisions of LC 16.253(5)(b) must submit a Riparian Setback Area Restoration Plan to the Planning Director pursuant to LC 14.030, which includes a complete inventory of the previously existing indigenous vegetation which was removed or destroyed. The vegetation inventory must identify previous plant community locations and the maturity and densities of the previously existing plant species. The submitted Riparian Setback Area Restoration Plan must provide a recovery and restoration planting schedule to include successional plantings, seasonal maintenance, and other management activities that provide for the recovery of the removed or destroyed indigenous vegetation. An approved Riparian Setback Area Restoration Plan must establish compliance with the following criteria and will be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(8)(g):

(i) Restoration of the riparian setback area must comply with the indigenous vegetation maintenance, removal and replacement standards established in LC 16.253(5);

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation required Pursuant to LC 16.253(7)(a); and

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation required pursuant to LC 16.253(7)(a).

(d) Riparian Setback Area Plan Receipt and Referral. Upon receipt and acceptance of the applicable Riparian Setback Area Alteration Plan described in LC 16.253(8)(a), (b) or (c), the Planning Director must refer a copy of the Riparian Setback Area Alteration Plan to the ODFW for review.

(e) ODF&W Review. Within 10 working days of submittal of the Riparian Setback Alteration Plan to the Planning Director as required in LC 16.253(8)(d), the property owner must provide evidence of consultation with ODFW. Review of the Riparian Setback Area Alteration Plan and any recommendations by ODFW to the Planning Director must be consistent with the provisions of OAR 635-405 (May 1991) and OAR 635-415 (November 1991). Any recommendation from ODFW addressing the proposed Riparian Setback Area Alteration Plan must be in writing.

(f) Director Action. The Director may approve the Riparian Setback Area Alteration Plan if there are adequate findings of fact supporting compliance with LC 16.253(5)(b) and the applicable approval criteria for the proposed Riparian Setback Area Alteration Plan. The Director may impose conditions of approval to assure continued compliance with the applicable criteria. Notice of the written decision must be provided pursuant to LC 14.030(1)(b).

(g) Conditions of Approval. Reasonable conditions may be placed upon the approval of a Riparian Setback Area Alteration Plan to mitigate impacts and to assure continued compliance with the protection standards as set forth in the Riparian Setback Area Alteration Plan approved under LC 16.253(8)(f). Vegetation removed or destroyed in excess of LC 16.253(5)(b) must be replaced or restored and maintained within the next replanting season following the removal or alternation. Required subsequent maintenance and successional plantings must be identified in the Riparian Setback Area Alteration Plan approved by the Planning Director. Conditions may include but are not limited to the following:

(i) The property owner may be required to enter into a performance agreement to pay all costs associated with implementing the Riparian Setback Area Alteration Plan.

(ii) The Planning Director may require the property owner to record notice of the requirements of the Riparian Setback Area Alteration Plan and performance agreements in the Lane County Deed Records.

(iii) All restored or replaced vegetation plantings within the riparian setback area shall be of an indigenous species as identified in the list of indigenous plant species associated with riparian areas adopted by Board Order and incorporated in Lane Manual.

(9) Metro Area Riparian Setback Regulations. For property located west of Interstate 5 between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene Urban Growth Boundary and east of Interstate 5, outside the Springfield Urban Growth Boundary but within the area previously covered under the Eugene-Springfield Metropolitan Area General Plan prior to the enactment of Ordinance No. PA 1281, the riparian setback area is 75 feet upland from the ordinary high water line along all streams with an average stream flow greater than 1,000 cubic feet per second (cfs), and 50 feet from the ordinary high water line along all lakes, and fish bearing streams with an average stream flow less than 1,000 cfs. The riparian setback is the horizontal distance upland of the ordinary high water line of water bodies designated for riparian protection by the "Goal 5 Significant Riparian Corridors for the area inside the Metro Plan Boundary and outside the UGB," dated January 2012.

(a) Riparian Setback Area Declaration. To assure the development of any new structure, or the expansion or replacement of any existing structure is located outside the riparian setback area, the setback must be physically determined and demarcated as described in LC 16.253(9). Prior to the approval of new structures, replacement structures, or the expansion of existing structures, the riparian setback area must be determined when the structure is partially or wholly within 100 feet of a stream with average annual stream flow greater than 1,000 cfs or within 75 feet of a stream with average annual stream flow less than 1,000 cfs. The riparian setback area will be determined by a Riparian Declaration Application, including a field assessment conducted by Lane County staff or an Oregon Professional Land Surveyor, or an associate under the direct supervision of an Oregon Professional Land Surveyor.

(i) If the riparian setback determination is completed by a land surveyor or their associate, the ordinary high water line and riparian setback are must be identified and temporarily demarcated by stakes in the ground that stand at least 3 feet

above grade and the locations of the demarcations labeled on a site plan stamped by the surveyor. Photographs must be provided by the applicant showing the temporary demarcations both up and downstream of the development site and each photo must be labeled for reference to its location on-site/on the site plan. The materials as described by this section must be submitted with a Riparian Declaration Application.

(b) Development and Removal of Vegetation Within the Riparian Setback Area. Development and removal of vegetation within the riparian setback as set forth by LC 16.253(9) must comply with the standards of LC 16.253(4) and (5). The permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:

- (i) Streets, roads, and paths;
- (ii) Drainage facilities, utilities, and irrigation pumps;
- (iii) Water-related and water-dependent uses; and
- (iv) Replacement of existing structures, except housing as defined

in LC 16.090, with structures in the same location that do not disturb additional riparian surface area.

(v) Replacement of an existing dwelling that qualifies as housing per LC 16.090 in the same footprint that does not disturb additional area within the riparian setback area, as designated by LC 16.253(9). For the purpose of this provision, footprint means one or more of the following: where the foundation of a dwelling, the skirting for a manufactured dwelling, or an enclosed area meets the ground.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(9)(b), without prior Planning Director approval, requires compliance with the provisions of LC 16.253(7) and LC 16.253(9)(c), and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(9).

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(9)(b).

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the SWCD after consultation with the ODFW.

(vi) Removal of non-native vegetation and replacement with native plant species;

(vii) Removal of vegetation necessary for the development of water-related or water-dependent uses.

(ix) Permanent alteration of the riparian area by the placement of structures or impervious surfaces upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

(e) Alternative Standards for Development and Vegetation Removal in the Riparian Setback Area. Compliance with the structural development prohibition in LC 16.253(9)(b) and the vegetation removal standards of LC 16.253(5) is required unless the

following alternative standards are met, and the ODFW is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for applying the alternative standards has been submitted pursuant to LC 14.040 and approved by the Planning Director pursuant to the requirements of LC 14.030(1)(b).

(i) It can be demonstrated that the property was incorrectly identified as meeting the criteria of LC 16.253(9).

(ii) It can be demonstrated that the lot or parcel has been rendered not developable for the primary use allowed in the base zone, by application of the riparian setback standards of LC 16.253(9) to a lot or parcel that was lawfully created prior to June 2, 2004, the adoption of LC 16.253(9) with Ordinance No. 5-04. Approval of development under this provision must meet the following standards:

(aa) Due to topography, parcel size or configuration, or significant resource limitations, all options for development outside of the setback area are physically impracticable.

(bb) All development must be located to the greatest degree practicable outside of the riparian setback area. The request must be the minimum necessary to render the property developable.

(cc) The need to apply the alternative standards for development and vegetation removal in the riparian setback area is not the result of a self-created hardship. After June 2, 2024, the date of adoption of LC 16.253(9) with Ordinance No. 5-04, the reconfiguration of a lot or parcel as a result of a lot or property line adjustment, in whole or part within the riparian setback area, is a self-created hardship by the creator and subsequent property owners.

(dd) Mitigation measures must be taken to minimize to the greatest degree practicable any impact to habitat units or habitat values of the setback area by development actions in the setback area.

(ee) Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary may be authorized upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case will such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. *(Revised by Ordinance No. 10-92, Effective 11.12.92; 5-96, 11.29.96; 1-97, 4.4.97; 10-04, 6.4.04; 5-04, 7.1.04; 2-12, 7.4.13; 20-05, 6.16.20)*

**GREENWAY DEVELOPMENT PERMIT
RURAL COMPREHENSIVE PLAN**

16.254 Greenway Development Permit.

(1) Purpose. To establish Greenway Development procedures for certain land use activities as required by the Statewide Willamette River Greenway Goal and the Lane County Willamette River Greenway Plan.

(2) Definitions. For the purposes of this section, except as otherwise provided below, the definitions provided in LC 16.090 and the Goal adopted by the Oregon Land Conservation and Development Commission must be used:

(a) Ordinary High Water Line. The high water line is defined as set forth in LC 16.090.

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

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

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

(e) Greenway Development Permit; Permit. A permit authorized pursuant to this section or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinance Nos. 4-76 and 11-76.

(f) Change of Use. Making a different use of the land or water than that which existed on December 5, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use does not include the completion of a structure for which a valid permit has been issued as of December 5, 1975. The sale of property is not in itself considered to be a change of use. An existing open storage area will be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements will not be considered a change of use for the purposes of this section.

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

(h) Develop. To construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels or to create or terminate rights of access.

(i) Development. To act, process or result of developing.

(j) Boundaries. The boundaries for the Willamette River Greenway are those adopted by the Land Conservation and Development Commission in 1977, together with any changes when and as approved by LCDC.

(k) Vegetation Removal/Removal of Vegetation. As is defined in LC 16.090.

(3) Uses and Activities Subject to Greenway Development Permits. Except as provided in LC 16.254 (3)(a) through (l), Greenway Development Permits are required for new intensifications, change of use or developments allowed in applicable zones, including public improvements and including partitions and subdivisions as defined and reviewed according to LC Chapter 13 procedures, which are proposed for lands within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission.

(a) Customary dredging and channel maintenance conducted under permit from the State of Oregon.

(b) Seasonal increases in gravel operations as provided under permit from the State of Oregon.

(c) The placing by a public agency of signs, markers, aids, etc. to serve the public.

(d) Activities to protect, conserve, enhance and maintain public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands require review as provided by this section.

(e) Erosion control operations required in emergency situations for the safety and protection of property.

(f) Construction or use of a building other than a dwelling whether or not within 150 feet of the ordinary low waterline when the building is customarily provided in conjunction with a farm use; provided the structure does not exceed 12 feet in height nor exists for longer than six months.

(g) Farm use.

(h) Reasonable emergency procedures necessary for the safety or protection of property.

(i) Maintenance and repair usual and necessary for the continuance of an existing use. Landscaping, construction of driveways, modification of existing structures or facilities adjacent to a residence as are usual and necessary to such use and enjoyment.

(j) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use.

(k) Irrigation pumps and water intakes and other utility lines in conjunction with an agricultural use.

(l) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the Greenway Development Permit approval requirements of 16.254(5) and notification requirements of LC 16.254(7).

(i) Planned Unit Developments, as provided in 10.700.

(ii) Unzoned Area Development Permits, as provided in LC 9.700.

(4) Greenway Development Standards for the Development of Housing. Approval of housing, as defined by LC 16.090, in the greenway requires a Type I application pursuant to LC Chapter 14. An application for the development of housing must

satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.254(5).

(a) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(b) The development footprint, including decks, stairs and porches, must be outside of a 300-foot setback from the river's ordinary high water. Footprint means where the foundation of the dwelling, the skirting for a manufactured dwelling, or an enclosed area meets the ground.

(c) The property proposed for development under this section must not be included on the Lane County inventory of historic resources or within an area designated by the State Historic Preservation Office as containing archeological sites.

(d) The development of housing and associated vegetation removal must be located outside of the special flood hazard area as defined by LC 16.244.

(5) Greenway Development Permit Approval. Except for applications for housing as described in LC 16.254(4), a decision to approve a Greenway Development Permit requires a Type II land use application pursuant to LC Chapter 14 and findings that the proposed intensification, change of use or development conforms to the criteria, and setback requirements:

(a) Criteria.

(i) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space must be provided between the activity and the river and the development provides for the reestablishment of vegetative cover where it will be significantly removed during the process of land development.

(ii) Public access to and along the river either is not necessary or the necessary access will be provided by appropriate legal means.

(iii) Preserve and maintain land inventoried as "agriculture" in the adopted Willamette River Greenway Plan for farm use, as provided for in Goal 3 and minimize interference with the long-term capacity of lands for farm use.

(iv) Protect, conserve or preserve significant scenic areas, viewpoints and vistas.

(v) Harvest timber in a manner that wildlife habitat, riparian and other significant vegetation and the natural scenic qualities of the Greenway will be preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

(vi) Minimize vandalism and trespass.

(vii) Locate development away from the river to the greatest possible degree.

(viii) Protect significant fish, wildlife habitat and natural areas.

(ix) Is compatible with the Willamette River Greenway based upon the following considerations:

(aa) A development which is a mining or a mineral extraction and/or processing operation must include mining or extraction and/or processing methods which are designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation.

(bb) Protection, preservation, rehabilitation, reconstruction or restoration of significant historic and archeological resources.

(cc) Preserve areas of annual flooding, floodplains and wetlands.

(dd) Protection, conservation or preservation of areas along the alluvial bottomlands and lands with severe soil limitations from intensive development.

(ee) Consideration of the impacts from consumptive uses of water (i.e., domestic, agriculture, industrial) and non-consumptive uses (i.e., recreation and natural resources) in efforts of maintaining sufficient flows to support water users.

(ff) Sustenance and enhancement of water quality by managing or controlling sources of water pollution from uses, such as domestic and industrial wastes, agricultural and timber runoff, septic tank seepage, gravel operations and other intermittent sources.

(gg) Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife; protect natural areas; anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass; and to control pollution sources to the river.

(hh) Protection from erosion.

(ii) Protection and conservation of lands designated as aggregate resources within the adopted Willamette Greenway Plan.

(b) Setback Requirement; Exceptions. New intensifications, developments and changes of use must be set back 100 feet from ordinary high waterline of the river, Except for a water related or water dependent use.

(6) Conditions. Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this section, except for applications for housing as described in LC 16.254(4). Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (a) Special yards and spaces.
- (b) Fences and walls.
- (c) Special off street parking and loading requirements.
- (d) Street and road dedications and improvements (or bonds).
- (e) Control of points of vehicular ingress and egress.
- (f) Special provisions on signs.
- (g) Landscaping and maintenance thereof.
- (h) Maintenance of grounds.
- (i) Control of noise vibration, odors or other similar nuisances.
- (j) A time period within which the proposed use must be developed.
- (k) A limit on total duration of use.
- (l) Control of scale, bulk and coverage of proposal.

(7) Additional Notice. Immediate notice of an application must be given the State Department of Transportation by certified mail, return receipt requested, and provision must be made to provide notice to any individual or group requesting notice in writing. Notice of the action taken by Lane County on an application must be furnished by regular mail to the State Department of Transportation.

(8) Conflicting Provisions. In the case of any conflict between the provisions of this section and other provisions in Lane Code, the more restrictive provisions must apply.

(9) Non-authority for Public Use of Private Property. Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

(10) Nonconforming Uses. Except as modified in this section, LC 16.251(1) to (8) applies to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 16.254(2)(f) and (g) of a nonconforming use must be prohibited unless a Greenway Development Permit is issued for it. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 18-07, 12.21.18; 20-05, 6.16.20)*

COMMUNITY RESIDENTIAL ZONE (CR) RURAL COMPREHENSIVE PLAN

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16.285 Community Residential (CR-RCP)**(1) Purpose.**

The purposes of the Community Residential Zone (CR) are:

- (a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands within unincorporated communities. LC 16.285 does not apply to lands designated by the RCP as non-resource lands;
- (b) To promote a compatible and safe rural community residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;
- (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and
- (d) To provide that LC 16.285 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.285 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.285 was applied to the subject property.

(2) All development.

A 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.

(3) Use Table.**Table of Permitted Uses**

Table 16.285-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the community flex-use districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.285-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.285-1:

- (a) Uses:
 - (i) "A" means the use is outright allowed or permitted subject to standards.

- (ii) “C” means the use is a Conditional Use, subject to Section (5)
- (iii) “X” means use is not allowed.
- (b) Procedures:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
 - (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
 - (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
 - (v) “AL” means Assembly License, subject to LC 3.995.
 - (vi) “X” means no new use is allowed.
- (c) The “Subject To” column identifies any specific provisions of LC 16.285 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.285(7).
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4). “...discretionary approval of a proposed development of land...” An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.285-1: Use Table for CR Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited				
	Use	Use Type	Local Procedure	Subject To
1.	Residential			

1.1	Placement, alteration, and maintenance of up to two Single-Family Dwellings; attached or detached, or up to two manufactured dwellings, or a Two-Family Dwelling on a lot or parcel	A	P	
1.2	Accessory Dwelling Unit	A	I	(4)(a)
1.3	Temporary Medical Hardship	A	I	(4)(b)
1.4	Bed and breakfast	A	P	(4)(c)
1.5	One residential home	A	P	
1.6	One Family child care home	A	P	(4)(g)
1.7	One group home	A	P	
1.8	One nursing home	A	P	
1.9	Minor home occupation	A	P	(4)(d)
1.11	Guest house	A	P	(4)(f)
1.12	Mobile home park existing on a property prior to 1984	A	P	(4)(i)
1.10	Home occupation	C	II	(4)(e), (5)
2.	Public Facility			
2.1	Public and semipublic buildings and structures	A	P	
2.2	Churches	A	P	
2.3	Parks, playgrounds, outdoor community gathering places, paths or trails	A	P	
2.4	Transportation facilities and uses as specified in LC	A	P	

	16.265(3)(a) through (m).			
2.5	Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).	C	II	(5), LC 16.265
2.6	Changeout to an existing telecommunication tower	A	I	LC 16.264
2.7	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
2.8	Collocation to an existing telecommunication tower	C	II	LC 16.264
2.9	New telecommunications tower or replacement tower	C	III	LC 16.264
2.10	Uses similar to permitted uses above	C	II	(5)
3.0	Other			
3.1	Farm uses	A	P	(4)(j)
3.2	Forest uses	A	P	(4)(k)
3.3	Roadside stand	A	P	(4)(l)
3.4	Noncommercial dog kennels	A	P	(4)(m)
3.5	Commercial kennel or commercial breeding kennel	C	II	(4)(n)
3.6	Rock, sand, gravel or loam excavation or extraction	A	P	
3.7	Fish and wildlife habitat management	A	P	

3.8	Structures accessory to the primary use, including convenience and decorative elements	A	P	
3.9	Uses similar to permitted uses above	C	II	(5)
4.0	Outdoor Gatherings			
4.1	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
4.2	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	C	III	ORS 433.735-760
4.3	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(4)(o)

(4) Use Standards

(a) Accessory Dwelling Units.

- (i) Definitions. For the purposes of LC 16.285(4)(a), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:
 - (aa) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single family dwelling or duplex.
 - (bb) “Area zoned for community residential use” means lands that are zoned Community Residential (CR, RCP), not located inside an urban growth boundary as defined in ORS 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.
 - (cc) “Historic home” means a single-family dwelling constructed between 1850 and 1945.
 - (dd) “New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation or remodeling of an existing structure.
 - (ee) “Usable floor area” means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.
 - (ff) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
 - (A) The occupant rents the unit for vacation purposes only, not as a principal residence;
 - (B) The occupant has a principal residence other than at the unit; and
 - (C) The period of authorized occupancy does not exceed 45 days.
- (ii) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (k) or (l) below and provided:
 - (aa) The lot or parcel is at least one acres in size;

- (bb) At least one single-family dwelling or duplex is sited on the lot or parcel;
- (cc) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;
- (dd) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,
- (ee) The ADU must comply with the property development standards of LC 16.285(7).
- (ff) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling or duplex is situated on a different lot or parcel than the ADU may not be approved.
- (gg) Only one ADU as defined by LC 16.285(4)(a)(i)(aa) is allowed on a qualifying lot or parcel.
- (hh) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.
- (ii) The provisions of LC 16.285(4)(a) do not apply to guest houses or accessory residential structures, as allowed by LC 16.285(4)(f).
- (jj) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
- (kk) An ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(aa) through (jj) and must meet all of the following standards:
 - (A) The ADU will be located no farther than 100 feet from an existing single family dwelling or duplex, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

- (B) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.285(4)(a)(i)(ee).
- (C) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.
- (D) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.
- (E) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.
- (F) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.
- (G) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.
- (H) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.285(4)(a)(i)(ff).
- (I) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).
- (J) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

- (i-i) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or
 - (ii-ii) No statewide wildfire hazard map has been adopted.
 - (K) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.
- (II) Conversion of a historic home to an ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(aa) through (jj) and provided:
 - (A) The owner of a lot or parcel within an area zoned for community residential use constructs a new single-family dwelling or duplex;
 - (B) A historic home, as defined by LC 16.285(4)(a)(i)(c), is sited on the lot or parcel;
 - (C) The owner converts the historic home to an ADU upon completion of the new single-family dwelling or duplex; and,
 - (D) ADUs established pursuant to LC 16.285(4)(a)(ii)(II) may not be:
 - (i-i) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new single-family dwelling commenced.
 - (ii-ii) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building"

as “Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.” The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section.

- (b) Temporary Medical Hardship- Not more than one manufactured home, recreational vehicle or the temporary residential use of an existing building on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:
- (i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.
 - (ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary hardship dwelling; or
 - (iii) A resident of the temporary hardship dwelling is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. ‘Relative’ means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece, or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.
 - (iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:
 - (aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

- (bb) Any family relationship between the person with the hardship and the person who will provide care; and
- (cc) The general nature of the care that will be provided.
- (v) The temporary hardship dwelling shall be located on the same lot or parcel as the existing dwelling, manufactured home, or duplex.
- (vi) The hardship dwelling shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home, or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary dwelling may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.
- (vii) The temporary dwelling shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.
- (viii) The temporary hardship dwelling shall not be allowed if there is an accessory dwelling unit or guest house on the same lot or parcel.
- (ix) Except as provided in LC 16.285(4)(b)(x) below, approval of a temporary hardship dwelling permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.
- (x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary hardship dwelling, the hardship dwelling shall be removed from the property, converted to an allowable nonresidential use or demolished.

- (c) Bed and Breakfast. Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.
- (d) Minor Home Occupation. A minor home occupation and/or a home office that comply with these conditions:
 - (i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.
 - (ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; storage areas that are screened from being visible from streets and adjacent properties and maintenance of minor home occupation vehicles .
 - (iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.
 - (iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.
 - (v) The operation of sound producing tools, machinery and devices shall comply with LC 6.225 PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not produce "Plainly Audible Sound," as defined by LC 6.225.005, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

- (vi) The operation of the minor home occupation shall comply with LC 9.570 NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.
 - (vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.
 - (viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home office under LC 16.285(4)(d)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.
 - (ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.
 - (x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.
- (e) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.285(4)(e)(i) through (vi) below and where applicable elsewhere in LC Chapter 16.
- (i) The purposes of LC 16.285(4)(e) are:
 - (aa) To provide rural property owners with opportunities to work at home and to operate home occupation on their Community Residential zoned land;
 - (bb) To assure that the operation of home occupation will be compatible with nearby uses;

- (cc) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and
 - (dd) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.
- (ii) It shall be operated by a resident of the subject property.
- (iii) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.
- (iv) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.285(3) above. Any structure that would not otherwise be allowed by LC 16.285(2) above shall not be allowed for use as a home occupation. LC 16.285(4)(e) above shall be implemented, in part, through compliance with these requirements:
 - (aa) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; storage areas that are screened from being visible from streets and adjacent properties; and outdoor accessory uses similar to the above as determined by the Approval Authority.
 - (bb) To determine if a structure is one that would not otherwise be permitted by LC 16.285(3) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.285(3), then the home occupation shall not be allowed.
 - (cc) The amount of building floor area of home occupation shall not exceed 4,000 square feet for any parcel or lot located inside an unincorporated community.

- (v) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.285(3) above on nearby parcels without residences. Compliance with LC 16.285(4)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:
 - (aa) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;
 - (bb) Buffering or screening from being visible from streets and adjacent properties of outdoor storage allowed under LC 16.285(4)(e)(iv)(aa) above;
 - (cc) Fire safety;
 - (dd) The hours of operation;
 - (ee) Any noise or odors;
 - (ff) Outdoor lighting; and
 - (gg) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.
- (vi) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.
- (f) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

- (i) The total floor area of the structure is no more than 850 square feet;
- (ii) The structure does not contain a kitchen.
- (iii) The structure is located on a lot or parcel that has a lawfully existing dwelling or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;
- (iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and
- (v) The structures shall not have an address.
- (vi) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:
 - (aa) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;
 - (bb) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;
 - (cc) The address shall be removed from the guesthouse and not replaced;
 - (dd) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling.

- (g) Family child care home. A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.
- (h) Child care center. A child care facility, other than a family child care home, that is certified under ORS 329A.280(3).
- (i) Lawfully existing mobile home park. For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required in LC 16.285(7), and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapters 918-600.
- (j) Farm uses. Subject to conditions and limitations provided herein:
 - (i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
 - (aa) One horse, cow or swine per acre;
 - (bb) One goat or sheep per half acre;
 - (ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.
 - (iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 20 feet from any property line.
- (k) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.
- (l) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.
- (m) Noncommercial dog kennels, subject to conditions and limitations provided herein:
 - (i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

- (ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months shall be eight.
- (iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.
- (iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.
- (n) Commercial dog kennel or commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.
- (o) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.

(5) Conditional Use Review Criteria.

Approval Criteria. Uses and development listed as Conditional in Table LC 16.285(3)-1, except for telecommunication facilities allowed in LC 16.285(3)(2.4)-(2.7) above, shall comply with the requirements in LC 16.285(5) below. Telecommunications facilities allowed by LC 16.285(3)(2.4)-(2.7) above shall comply with the requirements in LC 16.264.

- (a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
- (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

- (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and
- (d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area

The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

- (a) The minimum area requirement for the creation of lots or parcels for residential purposes shall be one (1) acre. An exception to this area requirement may be pursuant to LC 16.285(6)(b) below.
- (b) The creation of new parcels smaller than the minimum area required by LC 16.285(6)(a) above may be allowed if all of these conditions exist:
 - (i) The parcel to be divided contains less than the minimum area needed by LC 16.285(6)(a) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;
 - (ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;
 - (iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;
 - (iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;
 - (v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and
 - (vi) "Habitable dwelling" means a dwelling, that:
 - (aa) Has intact exterior walls and roof structure;

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

(7) Development Standard.

All uses or development permitted by LC 16.285(3), except as may be provided therein, shall comply with the following development standards:

- (a) Property Line Setbacks. Structures other than a fence or sign shall be located:
 - (i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;
 - (ii) At least 10 feet from all other property lines;
 - (iii) Notwithstanding LC 16.285(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 5-foot setback otherwise required by LC 16.285(7)(a)(i) above provided it complies with LC 16.285(7)(c) below.
- (b) The setback for property lines other than front-yard shall be five (5) feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.
- (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(~~96~~), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(~~63~~) or LC 16.253(~~96~~), 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(~~52~~) or LC 16.253(~~96~~), as applicable.

- (e) Height. None.
- (f) 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.

16.286 Community Flex Use (CFU-RCP)

(1) Purpose.

The purpose of the Community Flex Use (CFU-RCP) Zone is to allow maximum flexibility in residential, commercial, and light industrial uses within an unincorporated community boundary that is more densely developed than typically allowed in rural Lane County. The CFU zone is also intended to allow for development flexibility.

The minimum parcel size and other standards established by this zone are intended to promote a tight-knit rural community character.

(2) All Development.

A proposed use or 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.

(3) Use Table:

Table of Permitted Uses

Table 16.286-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the community flex use districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.286-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.286-1:

- (a) Uses:

- (i) “A” means the use is outright allowed or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (5)
 - (iii) “X” means use is not allowed.
- (b) Local Procedures:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
 - (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
 - (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
 - (v) “AL” means Assembly License, subject to LC 3.995.
 - (vi) “X” means no new use is allowed.
- (c) The “Subject To” column identifies any specific provisions of LC 16.286 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.286(7).
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4). “...discretionary approval of a proposed development of land...” An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.286-1: Use Table for CFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited				
Use		Use Type	Local Procedure	Subject To
1.	Residential			
1.1	Placement, alteration, and maintenance of up to two Single-Family Dwellings attached or detached, and/or manufactured dwellings, or a Two-Family Dwelling (Duplex) on a lot or parcel	A	P	
1.2	Placement, alteration, and maintenance of a Multiple Dwelling on a lot or parcel	A	P	(4)(b)
1.3	Accessory Dwelling Unit	A	I	(4)(c)
1.4	Guest House	A	P	(4)(d)
1.5	Temporary Medical Hardship	A	I	(4)(e)
1.6	Bed and breakfast	A	P	(4)(f)
1.7	One residential home, group home or nursing home	A	P	
1.8	Minor home occupation and/or home office	A	P	(4)(g)
1.9	Family child care home	A	P	(4)(h)
2.	Commercial			
2.1	Retail	A	I or II	(4)(a), (5)
2.2	Indoor or outdoor recreational activities and supporting facilities	A	I or II	(4)(a), (5)
2.3	Eating or drinking establishments	A	I or II	(4)(a), (5)
2.4	Service stations	A	I or II	(4)(a), (5)
2.5	Offices and personal business services	A	I or II	(4)(a), (5)
2.6	Child care center	A	P	(4)(i)
2.7	Churches	A	I or II	(4)(a), (5)
2.8	Cemeteries	A	I or II	(4)(a), (5)

2.9	Indoor and outdoor theaters, other spaces providing artistic or performance opportunities	A	I or II	(4)(a), (5)
2.10	Equipment rental and leasing service	A	I or II	(4)(a), (5)
2.11	Veterinarian clinics	A	I or II	(4)(a), (5)
2.12	Commercial kennel	C	II	(5)
2.13	Marijuana retail sales	C	II	(5), LC 16.420
2.14	Campground, glamping and camping vehicle park	C	II	(5)
2.15	Uses similar to permitted uses above	C	II	(4)(a), (5)
3.	Industrial			
3.1	Light industrial	C	II	(4)(j), (5)
4.	Agricultural			
4.1	Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses	A	P	(4)(k)
5.0	Public Uses and Facilities			
5.1	Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.	A	I or II	(4)(a), (5)
5.2	Publicly oriented uses such as libraries, community centers, medical facilities, post offices, etc.	A	I or II	(4)(a), (5)
5.3	Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).	A	P	
5.4	Transportation facilities and uses as specified in LC	C	II	(5), LC 16.265

	16.265(3)(n) through (q).			
5.5	Changeout to an existing telecommunication tower	A	I	LC 16.264
5.6	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
5.7	Collocation to an existing telecommunication tower	C	II	LC 16.264
5.8	New telecommunications tower or replacement tower	C	III	LC 16.264
5.9	An onsite sewage disposal system for a use on a nearby property	A	P	(4)(I)
5.10	Parks, playgrounds, outdoor community gathering spaces, picnic areas	A	I or II	(4)(a), (5)
5.11	Publicly oriented infrastructure such as bike parking and bike maintenance, public restrooms, paths or trails, outdoor tourist attractions featuring displays of education or historical value, etc.	A	P	
5.12	Community sewerage facilities and drainfields	A	I or II	(4)(a), (5)
5.13	Uses similar to permitted uses above	C	II	(4)(n), (5)
6.0	Other			
6.1	Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.286-1.	A	P	

6.2	Fish and wildlife habitat management	A	P	
6.3	Structures and uses accessory to the primary use, including convenience and decorative elements	A	P	
6.4	Parking Area not directly related to a primary use on the same development site	A	P	
7.0	Outdoor Gatherings			
7.1	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
7.2	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	C	III	ORS 433.735-760
7.3	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III	(4)(j)

(4) Use Standards

- (a) Commercial and Public Use Compatibility Standards. Commercial and public uses subject to LC 16.286(4)(a) must meet the standards below. An exceedance of any of the standards in (i) – (iii) below is subject to a Conditional Use Permit review under a Type II procedure, pursuant to Lane Code Chapter 14. The Conditional Use Permit is subject to the criteria of LC 16.286(5).
 - (i) Parking - Does not need to follow parking minimums of LC 16.250 but any off-street parking must meet applicable local, state and federal regulations.
 - (ii) Air Quality - No external air emissions requiring a permit from an air quality public agency are allowed.
 - (iii) Outdoor Storage - Outdoor storage of materials or merchandise on a property with a commercial use must not encompass more than five percent of the property area, unless screened from being visible from streets and adjacent properties. For purposes of this provision, the property area will be considered the tax lot area.
 - (iv) Floor Space - One commercial use shall not exceed 4,000 square feet of floor space area. One building may contain multiple commercial uses.
- (b) Multiple Dwelling. Placement of a Multiple Dwelling is allowed where no other single-family dwelling, manufactured home or duplex exist on the property.
- (c) Accessory Dwelling Units.
 - (i) Definitions. For the purposes of LC 16.286(4)(d), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:
 - (aa) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling (attached or detached) or duplex.
 - (bb) “Historic home” means a single-family dwelling constructed between 1850 and 1945.
 - (cc) “New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation, or remodeling of an existing structure.
 - (dd) “Usable floor area” means the area included within the surrounding insulated exterior walls of a

structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(ee) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(A) The occupant rents the unit for vacation purposes only, not as a principal residence;

(B) The occupant has a principal residence other than at the unit; and

(C) The period of authorized occupancy does not exceed 45 days.

(ii) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:

(aa) At least one single-family dwelling (attached or detached) or duplex is sited on the lot or parcel, but no more than a total of two dwelling units already exist on the lot or parcel;

(bb) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(cc) The ADU must comply with the property development standards of LC 16.286(7).

(dd) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling (attached or detached) or duplex is situated on a different lot or parcel than the ADU may not be approved.

(ee) Only one ADU as defined by LC 16.286(4)(d)(i) and allowed by LC 16.286(3)(1.3) is allowed on a qualifying lot or parcel.

(gg) The provisions of LC 16.286(4)(d) do not apply to guest houses or accessory residential structures.

(hh) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated

community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

- (ii) An ADU in the community flex use zone is allowed subject to LC 16.286(4)(c)(ii)(aa) through (jj) and must meet all of the following standards:
 - (A) The ADU will be located no farther than 100 feet from the existing single-family dwelling (attached or detached) or duplex, measured from a wall of the dwelling to the nearest part of the usable floor area of the ADU.
 - (B) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.286(4)(d)(i)(dd).
 - (C) The existing single-family dwelling (attached or detached) or duplex on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.
 - (D) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.
 - (E) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.
 - (F) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.
 - (G) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been

restricted by the Water Resources Commission.

- (H) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.286(4)(d)(i)(ee).
- (I) An existing single-family dwelling (attached or detached) or duplex and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).
- (J) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - (i-i) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or
 - (ii-ii) No statewide wildfire hazard map has been adopted.
- (K) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.
- (jj) Conversion of a historic home to an ADU in the community flex use zone is allowed subject to LC 16.286(4)(d)(ii)(aa) through (hh) and provided:
 - (A) The owner of a lot or parcel within an area zoned for community flex uses constructs a new dwelling unit;
 - (B) A historic home, as defined by LC 16.286(4)(d)(i)(bb), is sited on the lot or parcel;

- (C) The owner converts the historic home to an ADU upon completion of the dwelling unit; and,
- (D) ADUs established pursuant to LC 16.286(4)(d)(ii)(jj) may not be:
 - (i-i) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new dwelling commenced.
 - (ii-ii) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section.
- (d) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:
 - (i) The total floor area of the structure is no more than 850 square feet;
 - (ii) The structure does not contain a kitchen.
 - (iii) The structure is located on a lot or parcel that has a lawfully existing single-family dwelling (attached or detached) or duplex on it and that does not have three or more permanent dwellings, a guest house or another accessory residential structure on it;

- (iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and
- (v) The structure shall not have an address.
- (vi) The conversion of a lawfully existing dwelling to an accessory residential structure or guest house is allowed if it complies with these requirements:
 - (aa) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;
 - (bb) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;
 - (cc) The address shall be removed from the guesthouse and not replaced;
 - (dd) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential structure that cannot be separated from the remainder of the parcel that contains the dwelling
- (e) Temporary Medical Hardship- Not more than one manufactured home, recreational vehicle or the temporary residential use of an existing building on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:
 - (i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

- (ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary hardship dwelling; or
- (iii) A resident of the temporary hardship dwelling is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.
- (iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:
 - (aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;
 - (bb) Any family relationship between the person with the hardship and the person who will provide care; and
 - (cc) The general nature of the care that will be provided.
- (v) The temporary hardship dwelling shall be located on the same lot or parcel as the existing dwelling, manufactured home, or duplex.
- (vi) The hardship dwelling shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home, or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary hardship dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary dwelling may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

- (vii) The temporary hardship dwelling shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.
 - (viii) The temporary hardship dwelling shall not be allowed if there is an accessory living structure, as defined by LC 16.286(4)(d), on the same lot or parcel.
 - (ix) Except as provided in LC 16.286(4)(e)(x) below, approval of a temporary hardship dwelling permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.
 - (x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary hardship dwelling, the hardship dwelling shall be removed from the property, converted to an allowable nonresidential use or demolished.
- (f) Bed and Breakfast. Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.
- (g) Minor home occupation.
 - (i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.
 - (ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; storage areas that are screened from being

visible from streets and adjacent properties and maintenance of minor home occupation vehicles.

- (iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.
- (iv) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.
- (h) Family child care home. A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.
- (i) Child care center. A child care facility, other than a family child care home, that is certified under ORS 329A.280(3).
- (j) Light industrial. Land uses that are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, research and development, wholesaling, and warehousing. Such uses do not typically have significant potential for major pollution, adverse visual impacts, or nuisance or hazard factors. Activities are generally located indoors in either office space or warehouse-type space, with some outdoor storage anticipated as accessory to the interior functions. Light industrial uses do not include uses such as mining and extracting industries, petrochemical industries, rubber refining, or primary metal works.
 - (i) Light Industrial uses may occur in one or more buildings containing not more than 40,000 square feet per use.
- (k) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject CFU zoned property:
 - (i) One goat, sheep, llama or alpaca per 8,000 square feet not including offspring younger than 6 months old from one of the female animals being counted.
 - (ii) 10 chickens, other fowl or rabbits per 8,000 square feet.
 - (iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 8,000 square feet of lot area and shall be located no closer than 15 feet from any property line.

- (iv) One horse, cow, or swine per acre not including offspring younger than 6 months old from one of the female animals being counted.
- (l) An onsite sewage disposal system for a use on an adjacent property. The property shall be contiguous along a boundary or a point of the subject property including those separated by the right-of-way of a road. The sewage disposal system on an adjacent property must be accompanied by a perpetual access and maintenance easement.
- (m) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.
- (n) Uses Similar. A Uses Similar finding shall be made by the Planning Director, upon request of an applicant. It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination. Such a finding shall apply the following criteria:
 - (i) Use is consistent with the purpose and intent of the District.
 - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
 - (aa) Bulk, size, and operating characteristics of the proposed use.
 - (bb) Parking demand, customer types and traffic generation.
 - (cc) Intensity of land use of the site.
 - (dd) Potential demand for public facilities and services.
 - (ee) Products or services produced or vended on or from the site.

(5) Conditional Use Review Criteria:

Approval Criteria. Uses and development listed as Conditional in LC 16.286(3), except for telecommunication facilities allowed in LC 16.286(3)(5.5)-(5.8), shall comply with the requirements in LC 16.286(5) below. Telecommunications facilities allowed by LC 16.286(3)(5.5)-(5.8) above shall comply with the requirements in LC 16.264.

- (a) The proposed use and development shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
- (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;
- (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and
- (d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area

- (a) The minimum area requirement for the creation of lots or parcels shall be 8,000 square feet.
- (b) The minimum area requirement for lots or parcels shall be 5,000 square feet if evidence is provided that it may be served by a sewer system, community drainage system or a shared private wastewater system off-site.

(7) Development Standards:

All uses or development permitted by LC 16.286(3), except as may be provided therein, shall comply with the following development standards:

- (a) Property Line Setbacks. Structures other than a fence or sign shall be located:
 - (i) At least 5 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;

- (ii) At least 5 feet from all other property lines, 0 feet if the structures are attached across properties;
- (iii) Notwithstanding LC 16.286(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 5-foot setback provided it complies with LC 16.286(7)(b) below.

(b) Riparian Setback Area

- (i) 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(~~96~~), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. ~~Alternative standards to permit a structure in the riparian setback area A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(~~63~~) or LC 16.253(~~96~~), as applicable, are met.
- (ii) 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(~~52~~) or LC 16.253(~~96~~), as applicable.

(c) Height

- (i) Maximum building or structure height of 40 feet, with the exception of telecommunication facilities as regulated by LC 16.264.
- (ii) Buildings and structures may be over 40 feet with information from a Fire Protection District confirming the building or structure can be adequately served by the firefighting equipment of the agency providing fire protection.
- (iii) 10-foot minimum floor-to-floor height.

(d) Lighting and Signs

- (i) Exterior lighting must be directed downward and shielded by enclosure within a full cutoff fixture. A cutoff fixture is one

that prevents the light from being directly visible at or above 90 degrees from the light source.

- (ii) Signs must not extend over a public right-of-way or project beyond the property line.
- (iii) Signs may not be illuminated between the hours of 10 pm and 7 am and in no case be flashing or capable of movement.
- (iv) Individual signs are limited to 200 square feet. In no case may total signage on a property exceed one square foot per foot of right-of-way frontage.
- (v) The height of a ground mounted sign may not exceed 15 feet in height. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the average finish grade shall be used to measure the height.
- (vi) The height of an attached sign shall not exceed the ridgeline of the building or the top of the false façade.

(e) Parking

- (i) For residential uses, off-street parking shall be provided in accordance with LC 16.250(1).
- (ii) For all other uses, there is no minimum off-street parking requirement.

(8) Additional Subdivision Provisions.

Subdivisions, as defined by Lane Code 13.030(3)(kk), in the CFU zone are subject to the following provisions in addition to Lane Code Chapter 13 and any other applicable regulations. The goal of the additional subdivision provisions is to promote safe, comfortable transportation conditions for all modes, enhance bikeability and walkability, and integrate roadway standards better suited for unincorporated communities.

- (a) Internal Road Design: New roads or extension of existing roads created as a result of a subdivision within the CFU zone are subject to the following standards:
 - (i) Be developed as Local Access Roads (LAR) if generated average daily traffic (ADT) is 100 or less and be accompanied by a perpetual maintenance agreement subject to Lane Code Chapter 15.

- (ii) Be developed as Rural Local Roads if generated ADT is above 100, subject to Lane Code Chapter 15.
 - (iii) The subdivision shall be configured to utilize a street grid pattern with street connections and access points as close to 90 degrees as feasible when considering local terrain, slopes, natural hazards, and existing development.
- (b) Additional Standards: The following subdivision standards are not approval criteria but are strongly encouraged:
 - (i) New roads created as a result of the subdivision should be designed in the most efficient manner to allow emergency services and efficient use of land; and,
 - (ii) Opportunities for connective pedestrian infrastructure such as sidewalks and pathways for multi-modal transportation and for recreation should be considered within the subdivision and where connections can be made to existing or planned infrastructure offsite on contiguous properties.

Lane Code
CHAPTER 16 CONTENTS

RURAL RESIDENTIAL ZONE (RR) RURAL COMPREHENSIVE PLAN

16.290 Residential Zone (RR).

RURAL COMMERCIAL ZONE (RC, RCP)

16.291 Rural Commercial Zone (RC, RCP).

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RURAL RESIDENTIAL ZONE (RR) RURAL COMPREHENSIVE PLAN

16.290 Residential Zone (RR).

- (1) Purpose. The purposes of the Rural Residential Zone (RR) are:
 - (a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;
 - (b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;
 - (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and
 - (d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.
- (2) Permitted Uses. The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:
 - (a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.
 - (b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:
 - (i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or
 - (ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.
 - (iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.
 - (iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.
 - (c) Not more than one duplex on a lot or parcel that:
 - (i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;
 - (ii) Does not have a dwelling, manufactured dwelling or duplex on it; and
 - (iii) Contains at least the minimum area required by LC 16.290(6)(b) below.
 - (d) Not more than one manufactured home or recreational vehicle on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

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(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured home or recreational vehicle; or

(iii) A resident of the temporary manufactured home or recreational vehicle is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured home or recreational vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured home or duplex.

(vi) The temporary manufactured home or recreational vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured home or recreational vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured home or recreational vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured home or recreational vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured home or recreational vehicle, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period,

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not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A minor home occupation and/or a home office that comply with these conditions:

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

(ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 6.225 PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not produce "Plainly Audible Sound," as defined by LC 6.225.005, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the minor home occupation shall comply with LC 9.570 NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home

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office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 6.225 PROHIBITED NOISE for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;

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(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Residential Accessory Structures and Uses. Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, and animal or pet shelters

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

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

(ii) The structure does not contain a kitchen.

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

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

(v) The structure shall not have an address.

(v) Not more than one (1) accessory dwelling unit on a lot or parcel, consisting of at least 2 acres and meeting the standards of LC 16.290(8). The provisions of LC 16.290(2)(u) above do not apply to accessory dwelling units, as allowed by this subsection and LC 16.290(8).

(w) Not more than one (1) recreational vehicle used for residential purposes on a lot or parcel that is subject to a residential rental agreement and meets the standards of LC 16.290(9).

(3) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate home occupation on their Rural Residential zoned land;

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

(iii) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

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(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a home occupation. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the home occupation shall not be allowed.

(iii) The amount of building floor area of home occupation shall not exceed:

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

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

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.

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(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16.

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

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

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

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

(e) Radio and television transmission facilities.

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

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

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

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

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

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

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

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

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

(i) Shall be located at least:

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

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

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

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

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

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

(n) Golf courses.

(o) Lodges and grange halls that:

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

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

(p) Parks, playgrounds, community centers.

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

(r) Storage facilities for boats and recreational vehicles.

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

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

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

(aa) Goods or services traded from the site;

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

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

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- (dd) Intensity of land use of the site.
- (iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.
- (iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
- (t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).
- (u) Stables, riding academies or commercial riding.
- (5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.
 - (a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
 - (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;
 - (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and
 - (d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:
 - (a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or parcels for residential purposes on land zoned RR-1 shall be two acres as long as required by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.
 - (b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.
 - (c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:
 - (i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;
 - (ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

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

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

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

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

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

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

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

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

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

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

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

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

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(9), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(5) or LC 16.253(9), as applicable.

(f) Height. None.

(g) Signs.

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

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

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

(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

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(8) Rural Accessory Dwelling Units.

(a) Purpose. The provisions of this section are intended to implement state law authorizing the development of accessory dwelling units (ADUs) to provide additional housing opportunities on rural lands and to encourage the preservation of historic housing stock.

(b) Definitions. For the purposes of LC 16.290(8), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling.

(ii) “Area zoned for rural residential use” means lands that are zoned Rural Residential (RR, RCP), not located inside an urban growth boundary as defined in ORS 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.

(iii) “Historic home” means a single-family dwelling constructed between 1850 and 1945.

(iv) “New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation or remodeling of an existing structure.

(v) “Single-family dwelling” means a residential structure designated as a residence for one family and sharing no common wall with another residence of any type.

(vi) “Usable floor area” means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(vii) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(c) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:

(i) The lot or parcel is at least two acres in size;

(ii) At least one single-family dwelling is sited on the lot or parcel;

(iii) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(iv) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(v) The ADU must comply with the property development standards of LC 16.290(7).

(vi) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU may not be approved.

(vii) Only one ADU as defined by LC 16.290(8)(b)(i) and allowed by LC 16.290(2)(v) is allowed on a qualifying lot or parcel.

(viii) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.

(ix) The provisions of LC 16.290(8) do not apply to guest houses or accessory residential structures, as allowed by LC 16.290(2)(u).

(x) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of

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water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(xi) An ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and must meet all of the following standards:

(aa) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.290(8)(b)(vi).

(cc) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(ff) The applicant provides an evacuation plan that arranges for safe evacuation and identifies staged evacuation areas. As used in this section, “safe evacuation” means an identified route for evacuation from the ADU to the staged evacuation area. “Staged evacuation area” means a public or private location that occupants of the ADU may evacuate to.

(A) The applicant must provide written authorization from the owner of the staged evacuation area that the occupants of the ADU may evacuate to that location.

(B) A determination by the County that an evacuation plan meets the requirements of LC 16.290(8)(c)(xi)(ff) above is not a certification that the plan provides for safe evacuation and is not a certification of the safety of the identified staged evacuation areas. The County does not warrant or guarantee the effectiveness of any proposed evacuation plan and cannot be held liable in the event of property damage, injury, or death that may occur when an evacuation plan is used or followed.

(gg) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(hh) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(ii) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii).

(jj) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(kk) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

(B) No statewide wildfire hazard map has been adopted.

(ll) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire

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Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.

(xii) Conversion of a historic home to an ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and provided:

(aa) The owner of a lot or parcel within an area zoned for rural residential use constructs a new single-family dwelling;

(bb) A historic home, as defined by LC 16.290(8)(b)(iii), is sited on the lot or parcel;

(cc) The owner converts the historic home to an ADU upon completion of the new single-family dwelling; and,

(dd) ADUs established pursuant to LC 16.290(8)(c)(xii) may not be:

(A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new single-family dwelling commenced.

(B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15; 20-05, 6.16.20; 23-05, 8.29.23)*

(9) Rental Recreational Vehicles.

(a) Purpose. The provisions of this section are intended to implement state law by allowing a recreational vehicle (RV) on rural residential lands to be used as a residential dwelling subject to a residential rental agreement.

(b) Definitions. For the purposes of LC 16.290(9), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) "Recreational vehicle" means a vehicle with or without motive power that has not been rendered structurally immobile, is used for human occupancy, is titled with the Department of Transportation, and satisfies OAR 735-022-0140(7)(a), (b), (c), or (d).

(c) Criteria for Rental Recreational Vehicles.

(i) To qualify for a recreational vehicle as a rental dwelling on a lot or parcel, the following criteria must be met:

(aa) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(bb) The lot or parcel is developed with a lawfully established single family dwelling that is occupied as the primary residence of the property owner;

(cc) There are no other dwelling units on the lot or parcel, including temporary medical hardship dwellings, and no portion of the single family dwelling is rented as a residential tenancy;

(dd) The recreational vehicle may not be located in the regulatory floodplain, as defined in Lane Code 16.244;

(ee) The lot or parcel is not subject to an open code enforcement action, unless the code infraction can be remedied through the approval of a recreational vehicle permit pursuant to this section; and

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(ff) If the lot or parcel is within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community, the applicant must demonstrate adequate supply of water to support the recreational vehicle. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(ii) Prior to establishing a recreational vehicle as a rental dwelling on a lot or parcel, the property owner must demonstrate compliance with the following standards:

(aa) The property owner must sign and record a restrictive covenant with Lane County Deeds and Records stating that the rental recreational vehicle allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii), or other short-term uses;

(bb) The recreational vehicle is owned or leased by the tenant throughout the entire term of the tenancy;

(cc) The recreational vehicle must be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and must have no permanently attached additions;

(dd) The property owner must enter into a written residential rental agreement with the tenant of the recreational vehicle and must be valid throughout the entire term of the tenancy;

(ee) The property owner must provide services to the recreational vehicle space including:

(A) Sewage disposal, water supply, electrical supply, and if required by applicable law, any drainage system; and

(B) Any other service or habitability obligation imposed by the rental agreement and ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in a habitable condition), the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.

(C) The recreational vehicle must contain an operable toilet and sink, or the property owner must provide these facilities to the tenant and the facilities must be accessible to the tenant at all times.

(D) The property owner must obtain any necessary permits for the installation of services and adhere to any applicable codes.

(ff) The property owner must provide a parking pad for the recreational vehicle with a surface material of compacted gravel, concrete or asphalt, and the surface must be sloped to facilitate drainage of liquids away from the recreational vehicle;

(gg) If the recreational vehicle will be located within a structure, the structure must be entirely open on at least two sides;

(hh) The recreational vehicle must be setback 10 feet from the single family dwelling and other structures on the lot or parcel;

(ii) The recreational vehicle must be setback at least 30 feet from properties zoned F-1, F-2 or EFU; and

(jj) The property owner may provide residential accessory structures and uses for use by the tenant of the recreational vehicle as permitted by Lane Code 16.290(2)(t). (*Ordinance No. 25.01, Effective 2.27.2025*)

**RURAL COMMERCIAL ZONE (RC, RCP)
RURAL COMPREHENSIVE PLAN**

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16.291 Rural Commercial Zone (RC, RCP).

(1) Purpose. The purposes of the Rural Commercial Zone (RC, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP), to allow commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area, and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.291 is not retroactive. The Director has no authority to initiate compliance with LC 16.291 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.291(2)(a) through (k) 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 16.291.

(b) The uses and development allowed by LC 16.291(3)(a) through (w) , (y) through (z), (a-a), (ee), (ff), and (gg) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing commercial structures on the subject property, shall comply with the setback requirements of LC 16.291(6)(a) through (b) below, and shall not extend the commercial uses and development beyond the area of the existing commercial uses and development. The area of the existing commercial uses and development shall include all existing structures and outside areas used for the commercial use such as private drives, off street parking and loading areas, and outside storage areas; or

(ii) The use and development shall be a minor addition to a commercial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.291 was applied to the subject property and shall not be closer to a property line than the closest portion of existing commercial structures meeting the setbacks required by LC 16.291(6)(a) through (b) below. To verify compliance with these standards, the applicant shall submit to the Director an administrative application for verification of compliance and the Director shall determine if the addition to a commercial structure complies with these standards; 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 16.291(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.291(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.

(v) Structures permitted by LC 16.291(2)(b)(ii) and (iii) above shall comply with the floor area and lot or parcel coverage requirements of LC 16.291(4)(a) below.

(c) Public and semi-public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground 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 16.291(2)(c) above shall be maintained.

(d) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are breed or sold, or where dogs receive medical care.

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- (e) Fish and wildlife habitat management.
- (f) A single family living quarters for a caretaker that meets the following conditions:
 - (i) The single family living quarters shall be for a caretaker in conjunction with an existing commercial use permitted by LC 16.291(2)(a) through (b) above or (3)(a) through (w), (a-a) or (b-b) below and located on the same lot or parcel as the existing commercial use;
 - (ii) There shall not be any other living quarters or dwellings on the lot or parcel where the single family living quarters for the caretaker will be located; and
 - (iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the structure as a single family living quarters.
- (g) A single family dwelling or manufactured dwelling in conjunction with an existing commercial use provided there is no other dwelling or single family living quarters on the same lot or parcel.
- (h) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (i) Not more than one bed and breakfast accommodation on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.
- (j) Not more than one residential home on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.
- (k) Uses and development accessory to existing uses and development permitted by LC 16.291(2)(a) through (j) above or (3)(a) through (c-c) below.
- (3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.291(3)(a) through (t), and (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (a-a) through (b-b) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.291(4)(a) through (j) below and elsewhere in LC Chapter 16. The uses and development in LC 16.291(3)(u) and (c-c) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements elsewhere in LC Chapter 16.
 - (a) Retail trade of products, including: food, new general merchandise, second-hand general merchandise in an enclosed building; and building materials, hardware or farm equipment.
 - (b) Retail trade of hay, grains or goods for animal consumption or care.
 - (c) Retail trade of services, including: personal, finance, insurance, banking, real estate, professional, and the construction trades including but not limited to general contracting, carpentry, cabinetmaking, electrical, plumbing, and landscaping.
 - (d) Restaurants.
 - (e) Bars, nightclubs, taverns or brewpubs.

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(f) Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.

(g) Medical or veterinarian clinic.

(h) Service stations and auto repair garages.

(i) Bus passenger terminals.

(j) Boat charter and rental, including fishing equipment.

(k) Outdoor tourist attractions featuring displays of educational or historical value.

(l) Day camp and picnic areas.

(m) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating and roller blading, riding stables, bowling, skiing, snowboarding and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.

(n) Indoor or outdoor theaters.

(o) Post Office facilities.

(p) Equipment rental and leasing service.

(q) Recreational vehicle or boat storage, sales, repair and subordinate boat building that comprises less building floor area than used for boat sales or rentals.

(r) Marina.

(s) Outdoor car or truck sales lots, indoor truck or auto repair, and not including the outdoor storage of inoperable vehicles.

(t) A commercial kennel or a commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.

(u) New motels or hotels with up to 35 units within an unincorporated rural community designated in the Rural Comprehensive Plan, or new motels or hotels with up to 100 units within an urban unincorporated community designated in the Rural Comprehensive Plan, that meet the following conditions:

(i) They are located at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5; and

(ii) They are served by a "community sewer system" that means, "A sewage disposal system with connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community."

(v) A recreation vehicle park that may include individual electrical, water and sanitation disposal system hookups. A sanitation disposal system approved by DEQ or a centralized, pump-out vault may be provided for off-loading in compliance with ORS. The stay limit for a recreational vehicle shall not exceed 29 consecutive days or more than 90 days in any calendar year or consecutive six-month period.

(w) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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

(y) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(z) Overnight accommodations that shall:

(i) Have no more than 15 guest rooms in a single structure. Food preparation and service in a centralized kitchen may be provided for guests only.

(ii) Have only minor incidental and accessory retail sales;

(iii) Be occupied only temporarily for the purpose:

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(aa) Of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission if located within ¼ mile of fish bearing Class I waters, or

(bb) Of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and wildlife Commission; and

(iv) The Approval Authority may impose appropriate conditions.

(a-a) A short term stay facility for the homeless or transients that may include the provision of food and clothing for those staying in or visiting the facility provided the facility shall:

(i) Be operated by a nonprofit organization or public agency;

(ii) Contain no more than five bedrooms or sleeping rooms; and

(iii) Limit the stay for any individual to no more than 29 consecutive days.

(b-b) Uses and development similar to uses and development allowed by LC16.291(3)(a) through (a-a) above if found by the Director to be clearly similar to the uses and development allowed by LC 16.291(3)(a) through (a-a) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.291(1) above.

(ii) When compared with the uses and development permitted by LC 16.291(3)(a) through (a-a) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

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

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

(dd) Intensity of land use of the site.

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

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

(v) The use and development shall not include factories, warehouses, freight terminals, or wholesale distribution centers.

(vi) The use and development shall comply with LC 16.291(4)(a) through (h) below.

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

(c-c) An expansion of a lawfully existing commercial use that shall:

(i) Not result in more than a 50% increase in the total square foot floor area devoted to the commercial use that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; or

(ii) Not result in more than a 50% increase in the number of temporary overnight accommodations that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; and

(iii) Be used primarily by rural residents and/or tourists.

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

(ee) Marijuana production, subject to Lane Code 16.420. Only the Tier 1 level of production, as licensed by the OLCC is allowed. Only indoor marijuana production, as defined by state law and regulated by OLCC is allowed.

(ff) Marijuana retail sales, subject to Lane Code 16.420.

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(gg) Marijuana laboratory operations, subject to Lane Code 16.420.

(hh) Marijuana processing, subject to Lane Code 16.420.

(4) Criteria. New uses or development allowed by LC 16.291(3)(a) through (t), (v) through (w), (z), and (a-a) through (b-b), and (e-e) through (h-h) above, shall comply with the criteria in LC 16.291(4) below. Telecommunications facilities allowed by LC 16.291(3)(x) above shall comply with the requirements in LC 16.264.

(a) Floor Area and Lot or Parcel Coverage. If located in an area designated by the RCP as an unincorporated community, no one commercial building or combination of commercial buildings on a lot or parcel within an urban unincorporated community shall contain more than 8,000 square feet of floor area for the same commercial use; or, no one commercial building or combination of commercial buildings on a lot or parcel in any other type of unincorporated community shall contain more than 4,000 square feet of floor area for the same commercial use unless the conditions in LC 16.291(4)(a) below are met. If not located in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,500 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing at least 750 square feet of floor area used for other permitted commercial uses). A country store located outside an area designated by the RCP as an unincorporated community may contain a maximum of 3,750 square feet of floor area. An exception to the 8,000, 4,000 or 3,500 commercial building square feet floor area requirement in LC 16.291(4)(a) above may be allowed if it complies with these requirements:

(i) The exception shall be adopted by ordinance as part of an amendment to the RCP for a specific lot or parcel.

(ii) The exception shall be for an expansion of up to 50% of the existing square feet building floor area used for commercial uses.

(iii) The existing and proposed commercial uses shall:

(aa) Provide goods and services to primarily rural residents or persons traveling through the area;

(bb) Notwithstanding the small-scale commercial building floor area limits in OAR 660-022-0030(10), comply with OAR 660-022 (for commercial uses located inside unincorporated communities) or with the Statewide Planning Goals (for commercial uses located outside unincorporated communities); and

(cc) Fit within the uses allowed by LC 16.291(2) and/or (3) above.

(iv) No more than one exception pursuant to LC 16.291(4)(a) shall be allowed for the same lot or parcel.

(b) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(c) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(d) 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.

(e) 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.

(f) 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

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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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 16.291(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 16.291(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(9), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), 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(5) or LC 16.253(9), 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 100 square feet.

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

(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; 11-04, 6.11.04; 5-04, 7.1.04; 7-12, 12.28.12; 15-08, 12.15.15; 16-01, 2.25.16; 20-05, 6.16.20)*

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**RURAL INDUSTRIAL ZONE (RI, RCP)
RURAL COMPREHENSIVE PLAN**

16.292 Rural Industrial Zone (RI, RCP).

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f), and (u) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an administrative application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with these standards; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semipublic structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

(e) A single family living quarters for a caretaker that meets the following conditions:

(i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

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

(iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.

(f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.

(3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (o) below, are allowed subject to: prior submittal and approval of a land use application for the proposed uses or developments pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code.

(a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, “in proximity to the rural resource” shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.

(b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(c) Forest or farm equipment storage yards, sales, rental or repair.

(d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.

(e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, “outdoor advertising” means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).

(g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by LC16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.292(1) above.

(ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site.

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

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

(dd) Intensity of land use of the site.

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

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

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

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

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

(i) The single-family dwelling, manufactured or mobile home shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single-family dwelling, manufactured or mobile home for the caretaker will be located; and

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

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

(i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);

(ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned

from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

(iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;

(iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion;

(v) Not create a hazardous natural condition such as erosion, landslide or flooding; and

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.

(o) Any level of industrial uses sited on an abandoned or diminished mill site. The Director shall determine the boundary of the mill site that may include only those areas that were improved for the processing or manufacturing of wood products. The Board shall determine the boundary of an abandoned or diminished mill site that is rezoned for Rural Industrial Use pursuant to LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

(i) Is located on a parcel or lot outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

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

(s) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size or type, on a lot or parcel that was zoned for industrial use on January 1, 2004, subject to compliance with these requirements:

(i) The Director may authorize on-site sewer facilities to serve the industrial development authorized under LC 16.292(3)(s), including accessory uses subordinate to the industrial development.

(ii) The lot or parcel is located more than three miles outside the urban growth boundary of every city with a population of 20,000 individuals or more; or

(iii) The lot or parcel is located outside an urban growth boundary of every city with a population of fewer than 20,000 individuals.

(iv) The lot or parcel is located west of the summit of the Coast Range.

(v) When the Director considers action under LC 16.292(3)(s) for a lot or parcel within 10 miles of the urban growth boundary of a city, the Director shall give notice to the city at least 21 days prior to taking action.

(vi) If the City objects to the authorization of the proposed industrial development under LC 16.292(3)(s), the Director shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

(t) Composting Facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.

(u) Marijuana production, marijuana processing, marijuana wholesale distribution, marijuana laboratory operations, and marijuana research, subject to Lane Code 16.420, may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k), and (n) through (o) and (u) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

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

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

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

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

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

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(9), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), 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(5) or LC 16.253(9), as applicable.

(d) Signs.

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

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

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

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

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04; 6-10 9.17.10; 7-12, 12.28.12; 14-09, 12.29.14; 15-08, 12.15.15; 16-01, 2.25.16; 20-05, 6.16.20)*

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: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16.

(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 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;
 - (cc) Parking demand, customer types and traffic generation; and
 - (dd) Intensity of land use of the site.
- (iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.
- (iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (v) 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 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:

(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(9), 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. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), 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(5) or LC 16.253(9), 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.

(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; 7-10, 11.25.10; 16-01, 2.25.16; 20-05, 6.16.20*)

RURAL PARK AND RECREATION ZONE (RPR, RCP) RURAL COMPREHENSIVE PLAN

16.295 Rural Park and Recreation Zone (RPR, RCP).

(1) Purpose. The purposes of the Rural Park and Recreation Zone (RPR, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to recognize existing park and recreation areas by applying the RPR, RCP zone to these areas; to provide objective land use and siting criteria in order to allow the uses and development indicated in the State Park Master Plan, the Lane County Parks Master Plan or privately developed recreation uses on developed and committed (D&C) lands; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.295 is not retroactive. The Director has no authority to initiate compliance with LC 16.295 for lawfully (per LC Chapter 16) existing uses and development.

(2) Permitted Uses and Development. The uses and development in LC 16.295(a) through (n) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.295.

(b) The uses and development authorized by LC 16.295(3)(a) through (k) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with the following conditions:

(i) The use and development shall not change the number, size or location of existing park and recreation structures on the subject property and shall not extend the park and recreation uses and development beyond the area of the existing park and recreation uses and development. The area of the existing park and recreation uses and development shall include all existing structures and outside areas used for park and recreation use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.295(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a park and recreation structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.295 became applicable to the subject property and shall not be closer to a property line than the closest portion of existing park and recreation structures meeting the setbacks required by LC 16.295(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance. And, the Director shall determine if the addition to a park and recreation structure complies with this condition; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.295(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.295(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.295(6)(a) through (b) and is not illuminated.

(c) 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 park and recreation use permitted by LC 16.295(2)(a) or (b) above or (3)(a) through (k) or (o) below and located on the same lot or parcel as the existing park and recreation use;

(ii) There are no 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 the portion of the same lot or parcel with the park and recreation use on it.

(d) Farm use or forest operations or forest practices including, but not limited to, reforestation of forestland, forest road construction and maintenance, harvesting of a forest tree species, and disposal of slash.

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

(f) Fishing without any lodging accommodations.

(g) Aids to navigation and aviation.

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

(i) Forest management research and experimentation facilities as defined by ORS 526.215.

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

(k) Public and semipublic structures and uses rendering direct service to the public in local areas, such as utility substations, pump stations, wells, and underground utility lines or above ground utility lines that do not require a right-of-way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.295(2)(k) above shall be maintained.

(l) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(m) The following uses and developments that are included as part of an adopted State Master Park Plan or adopted Lane County Parks Master Plan that comply with OAR Division 34, State and Local Park Planning:

(i) Campgrounds that are used for temporary overnight camping including: recreational vehicle sites, tent sites, camper cabins, yurts, teepees, covered wagons, group shelters, and campfire program areas.

(ii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools unless located in a developed and committed lands exception area), open play fields, play structures;

(iii) Recreational trails: walking, hiking, biking, horse, or motorized off road vehicle trails; trail staging areas;

(iv) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;

(v) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;

(vi) Support facilities serving only park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(vii) Park maintenance and management facilities located within a park; maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;

(viii) Natural and cultural resource interpretative, educational and informational facilities: interpretive centers, information/orientation centers, self-supporting interpretative and information kiosks, natural history or cultural museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores in state parks not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education;

(ix) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(aa) Meeting halls not exceeding 2,000 square feet of floor area;

(bb) Dining halls (not restaurants).

(n) Uses and development that are accessory to existing uses and development permitted under LC 16.295(2)(a) through (m) above or (3)(a) through (o) below.

(3) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16.

(a) Golf course.

(b) Riding stables.

(c) Yachting clubs.

(d) Game rooms, miniature golf, go cart tracks.

(e) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(f) A clubhouse for an existing golf course. The clubhouse may include a restaurant, retail trade of food or new general merchandise, and recreation areas.

(g) A State or Lane County Park that is located on developed and committed exception area lands and that is not included in an adopted master park plan. These parks may include any of the uses mentioned in LC 16.295(2)(m) above.

(h) Race track.

(i) Recreational shooting.

(j) Airport and flying field.

(k) Expansion of lawfully (in terms of LC Chapter 16) existing uses.

(l) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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

(n) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(o) Uses and development similar to uses and development allowed by LC16.295(3)(a) through (n) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.295(3)(a) through (n) 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 16.295(1).

(ii) When compared with the uses and development permitted by LC 16.295(3)(a) through (n) above, the use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

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

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

(dd) Intensity of land use of the site.

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

(iv) The 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.

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

(4) Criteria. New uses or development allowed by LC 16.295(3)(a) through (o) above, except for telecommunications facilities allowed in LC 16.295(3)(m) above, shall comply with the criteria in LC 16.295(4) below. Telecommunications facilities allowed by LC 16.295(3)(m) 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 will 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 comply with LC 16.295 and other requirements of LC Chapter 16. Land divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development allowed by LC 16.295(2) and (3) above shall comply with the following development standards:

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

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

(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(9), 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. Alternative standards to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(6) or LC 16.253(9), 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(5) or LC 16.253(9), as applicable, are met.

(d) Signs.

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

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

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

(iv) Signs shall not contain more 200 square feet in area.

(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; 16-01, 2.25.16; 20-05, 6.16.20)*

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16.090 Definitions.

When a Term Is Not Defined. Terms not defined in this section will have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981, Principal Copyright 1961, will be considered a standard reference for defining the meanings of terms not defined in this section or elsewhere in Lane Code. Where specific terms are not defined relating to marijuana and commercial uses in connection with recreational marijuana as regulated by state law, the definitions contained in Oregon Laws, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), Oregon Liquor Control Commission (OLCC) interpretation(s), and case law interpretations apply directly.

Conflicting Definitions. Where a term defined in section 13.030 is defined in another section of Lane Code or by other regulations or statutes referenced by this chapter, the term in this section will control.

Definitions. For the purposed of Chapter 16 of the Lane Code, unless the context requires otherwise, the following words and phrases mean:

- (1) Acceptance. Received by and considered by the Director as sufficiently complete to begin processing according to the application or appeal review procedures of this chapter.
- (2) Accepted Farming Practice. A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
- (3) Accessory. Incidental, appropriate and subordinate to the main use of a tract or structure.
- (4) Accessory Structure. A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use.
- (5) Accretion. The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.
- (6) Agriculture. Synonymous with definition of "farm use."
- (7) Agricultural Building Nothing in this Chapter is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility.
 - (a) "Agricultural building" means a structure located on a farm or forest operation and used for:
 - (i) Storage, maintenance or repair of farm or forestry machinery and equipment;
 - (ii) The raising, harvesting and selling of crops or forest products;
 - (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
 - (iv) Dairying and the sale of dairy products;
 - (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm product or forest products.

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- (b) "Agricultural building" does not include:
 - (i) A dwelling;
 - (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476;
 - (iv) A structure used by the public; or
 - (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.
- (c) "Equine facility" means a building located on a farm and used by the farm owner or the public for:
 - (i) Stabling or training equines; or
 - (ii) Riding lessons and training clinics;
- (d) "Equine facility" does not include:
 - (i) A dwelling;
 - (ii) A structure in which more than 10 persons are present at any one time;
 - (iii) A structure regulated by the State Fire Marshall pursuant to ORS chapter 476; or
 - (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.
- (e) A person may not convert an agricultural building authorized for a forest use or mixed farm and forest use to another use.
- (8) Alter or Alteration. Any change, addition or modification in use construction or occupancy. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); "alteration" means any man-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.
- (9) Altered Shorelines. Shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.
- (10) Amendment, Minor. A change to a preliminary plan, plat or map which:
 - (a) Does not change the number of lots or parcels created by the subdivision or partition;
 - (b) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
 - (c) Does not change the general location or amount of land devoted to a specific land use; or
 - (d) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

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- (11) Amendment, Major. A change to preliminary plan, plat or map which is not a minor amendment.
- (12) Anadromous. Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.
- (13) Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- (14) Appearance. Submission of testimony or evidence in the proceeding, either oral or written. Appearance does not include a name or address on a petition.
- (15) Approval Authority. A person, or a group of persons, given authority by Lane Code to review and/or make decisions upon certain applications according to the review procedures of Lane Code Chapter 14.
- (16) Approximate Flood Hazard Study Area. Flood hazard areas as shown on the Federal Flood Hazard Boundary Maps where base flooding elevations have not been determined.
- (17) Aquaculture. The raising, feeding, planting and harvesting of fish, shell fish or waterborne plants and associated facilities necessary for the use.
- (18) Area. The surface included within any set of lines which may be further defined in square feet or acres, exclusive of County or local access public street.
- (19) Area of Flood Hazard. The land in the floodplain within a community subject to a one percent chance of flooding in any given year.
- ~~(19)~~(20) Area Zoned for Rural Residential Use. Are lands that are zoned Rural Residential (RR, RCP), not located inside an urban growth boundary as defined in Oregon Revised Statute 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.
- ~~(20)~~(21) Auxiliary. As used in the F-1 zone and F-2 zone, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- ~~(21)~~(22) Avulsion. A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.
- ~~(22)~~(23) Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year.
- ~~(23)~~(24) Beach. Gently sloping area of loose material (e.g., sand, gravel and cobbles) that extends landward from the low waterline (of the uppermost line of wave and tidal action) to a point where there is a definite change in the material type or land form, or to the line of vegetation.
- ~~(24)~~(25) Bed and Breakfast Accommodation. An accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29

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consecutive days, for the use of travelers or transients for a charge or fee. Meal service at a Bed and Breakfast Accommodation is limited to the preparation and service of breakfast, except on the same tract as a winery. Bed and Breakfast Accommodation is a Home Occupation where not specifically listed as a permitted or conditionally permitted use. If the Bed and Breakfast Accommodation is cited as a home occupation on the same tract as a Winery or Cider Business, two meals may be served per day to registered guests at either the Bed and Breakfast or at the Winery or Cider Business.

~~(25)~~**(26)** Biofuel. The liquid, gaseous or solid fuels derived from biomass, that have been converted into processed fuel ready for use as energy by a biofuel producer's customers or for direct biomass energy use at a biofuel producer's site.

~~(26)~~**(27)** Biomass. The organic matter that is available on a renewable or recurring basis and that is derived from:

- (a) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;
- (b) Wood material from hardwood timber described in ORS 321.267(3);
- (c) Agricultural residues;
- (d) Offal and tallow from animal rendering;
- (e) Food wastes collected as provided under ORS Chapter 459 or 459A;
- (f) Yard or wood debris collected as provided under ORS chapter 459 or 459A;
- (g) Wastewater solids; or
- (h) Crops grown solely to be used for energy.

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

~~(27)~~**(28)** Board. Board of County Commissioners of Lane County.

~~(28)~~**(29)** Boarding of Horses. The boarding of horses for profit shall include the following:

- (a) The stabling, feeding and grooming for a fee, or the renting of stalls for the care of horses not belonging to the owner of the property; and
- (b) Related facilities, such as training arenas, corrals and exercise tracks.

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

- (i) The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock.
- (ii) The incidental stabling of not more than four horses.
- (iii) The boarding of horses for friends or guests where no charge is made.
- (iv) Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

~~(29)~~**(30)** Boarding House. A dwelling or part thereof, in which lodging is provided by the owner which equals or exceeds the limitations of a bed and breakfast accommodation.

~~(30)~~**(31)** Bridge Crossings. The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

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~~(31)~~**(32)** Bridge Crossing Support Structures. Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

~~(32)~~**(33)** Building. The terms "building" and "structure" are synonymous, and mean something that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition specifically includes a mobile home, manufactured home and accessories thereto, gas or liquid storage tanks principally above ground and revetments, rip-rap, boat docks or bridges. Driveways or walks not more than six inches higher than the ground on which they rest are not buildings. Retaining walls less than four (4) feet in height and fences not higher than six (6) feet are not considered buildings for the sake of general property line setbacks.

~~(33)~~**(34)** Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

~~(34)~~**(35)** Camp. An area designed for organizational recreation which may include facilities such as; swimming pools, meeting halls and indoor shelters for recreation.

~~(35)~~**(36)** Campground.

- (a) An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development.
- (b) Applicable to Nonimpacted Forest Lands Zone (F1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU-RCP) only, 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.

~~(36)~~**(37)** Camping Vehicle Park. Synonymous with definition of Recreational Vehicle Park.

~~(37)~~**(38)** Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

~~(38)~~**(39)** Carrying Capacity Management. The management of coastal resources to ensure that public infrastructure systems are appropriately sized, located and managed so that the quality and productivity of the resource and other natural areas are protected.

~~(39)~~**(40)** Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

~~(40)~~**(41)** Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its

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accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. A church does not include a school.

~~(41)~~~~(42)~~ Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

~~(42)~~~~(43)~~ Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapter 16, and which is consistent with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies.

~~(43)~~~~(44)~~ Coastal Lakes. Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

~~(44)~~~~(45)~~ Coastal Recreation. Occurs in offshore waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of off-highway vehicles (OHV), shell collecting, painting, wildlife observation, and sightseeing, to the uses of coastal resorts and water-oriented restaurants.

~~(45)~~~~(46)~~ Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

~~(46)~~~~(47)~~ Communication Facility. A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio and other similar signals.

~~(47)~~~~(48)~~ Compost. The controlled biological decomposition of organic material or the product resulting from such a process.

~~(48)~~~~(49)~~ Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

~~(49)~~~~(50)~~ Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.

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~~(50)~~**(51)** County Official. The Director of a Lane County Department or Division, or any Lane County advisory committee or commission acting in its official capacity.

~~(51)~~**(52)** Cultured Christmas Trees. Means trees:

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

~~(52)~~**(53)** Current Employment of Land for Farm Use. Includes:

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

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- (i) Only the crops of the landowner are being processed;
- (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
- (iii) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

~~(53)~~**(54)** Date of Creation and Existence. Applicable to Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F-2, RCP), and Exclusive Farm Use Zone (EFU, RCP) only. 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.

~~(54)~~**(55)** Day. A calendar day, computed consistent with ORS 174.120.

~~(55)~~**(56)** Day Care Nurseries. Any institution, establishment or place in which are commonly received at one time, six or more children not of common parentage, under the age of six years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

~~(56)~~**(57)** Deflation Plain. The broad interdune area which is wind-scoured to the level of the summer water table. Some deflation plains are delineated wetlands subject to protection per Section 7 of the Clean Water Act.

~~(57)~~**(58)** Department. The Lane County Department of Public Works.

~~(58)~~**(59)** Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

~~(59)~~**(60)** Design Depth. The channel depth authorized by Congress and maintained by the U. S. Army Corps of Engineers. The actual maintained depth of a channel may exceed the design or authorized depth because of:

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

~~(60)~~**(61)** Destroy. To ruin the structure, organic existence, or condition of: as to pull or tear down, to lay waste, to ruin completely or injure or mutilate by clearing, tearing, breaking, cutting, spraying with pesticides or herbicides, burning or erosion.

~~(61)~~**(62)** Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or grading, including the removal or destruction of vegetation within a protected riparian setback area designated by the Rural Comprehensive Plan.

~~(62)~~**(63)** Development, Minimal. Development which is of minimal economic value and is essentially impermanent. Examples are dune boardwalks, fences which do not substantially affect sand erosion or migration, temporary open-sided structures or approved septic drainfield serving permitted development.

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~~(63)~~(64) Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.

~~(64)~~(65) Disposal site. For the purposes of LC 16.212 and 16.292, land and facilities used for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site.

(a) "Disposal site" does not include:

- (i) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;
- (ii) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;
- (iii) A site used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a collection service;
- (iv) A site operated by a dismantler issued a certificate under ORS 822.110; or
- (v) A site used for the storage of dredged materials.

~~(65)~~(66) Dune. A hill or ridge of sand built up by wind along sandy coasts.

~~(66)~~(67) Dune, Active. A dune that migrates, grows and diminishes primarily according to the force of wind and supply of sand. The dune has no soil development and little, if any, cohesion of underlying sand. Active dunes include all open sand (vegetation. free) areas and active (sparsely vegetated) hummocks and foredunes. Soil types are 72K and occasionally Westport series soils.

~~(67)~~(68) Dune Complex. Various patterns of small dunes with partially stabilized intervening areas.

~~(68)~~(69) Dune, Older Stabilized. A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

~~(69)~~(70) Dune, Recently Stabilized. A dune which presently has sufficient vegetation to be stabilized from wind erosion but which exhibits little, if any, soil development or cohesion of underlying sand. This includes soil-less dunes recently stabilized with beach grass and younger stabilized dunes which may possess forest communities and some soil development but which lack consolidation of underlying sands. Soil types are of Westport and Netarts series soils. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. "Conditionally" stabilized means that stability from wind erosion is dependent upon maintaining the vegetative cover."

~~(70)~~(71) Dune, Younger Stabilized. A wind-stable dune with weakly developed soils and vegetation.

~~(71)~~(72) Dwelling. A building or portion thereof which is occupied as a residence or sleeping place, either permanently or temporarily, but excluding hotels, motels, auto courts, guest houses, and camping vehicles. Where the term, "dwelling," is used

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in Lane Code Chapter 16, it shall mean a single-family dwelling or manufactured home unless otherwise noted.

~~(72)~~**(73)** Dwelling, Multiple. A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

~~(73)~~**(74)** Dwelling, Single-Family. A detached dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family.

~~(74)~~**(75)** Dwelling, Two-Family (Duplex). A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other and having housekeeping facilities for each family.

~~(75)~~**(76)** Enhancement. An action which results in a long-term improvement of existing functional characteristics and processes that is not the result of a creation or restoration action.

~~(76)~~**(77)** Entrance channel. That portion of the waterway exposed to wave surge from the open sea and which provides protected access or opening to the main channel, as authorized by the Corps of Engineers.

~~(77)~~**(78)** Estuary/Estuarine. A body of water semienclosed by land, connected with the open ocean and within which salt water is usually diluted by fresh water derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.

~~(78)~~**(79)** Exploration. Superficial survey measures which do not include active seismic surveys or prospect well drilling.

~~(79)~~**(80)** Existing Manufactured Home Park or Subdivision. Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before December 18, 1985 the effective date of Lane County's conversion to the Regular Flood Insurance Program.

~~(80)~~**(81)** Expansion to an Existing Manufactured Home Park or Subdivision. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

~~(81)~~**(82)** Family. An individual or two or more persons related by blood or marriage or group of not more than five persons (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.

~~(82)~~**(83)** Family Day Care Facility. As authorized and regulated by ORS 418.817, a care facility for children within a residential dwelling allowed by the residential, commercial or agricultural zone in which the day care center occurs. Such a facility

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may provide either full-time or part-time supervision and care for no more than 12 children including the children of the resident-operator(s).

~~(83)~~**(84)** Farm Use. Means:

- (a) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof;
- (b) The preparation, storage and disposal by marketing or otherwise of the products or byproducts raised on such land for human use and animal use;
- (c) The current employment of land for the primary purpose of making a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; or
- (d) The propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the State Fish and Wildlife Commission;
- (e) The on-site construction and maintenance of equipment and facilities used for the activities described in this definition; or
- (f) Not including the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in LC 16.090 above or land described in ORS 321.267(3) or 321.824(3);
- (g) As used in this definition:

“Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and

“Products or by-products raised on such land” means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

~~(84)~~**(85)** Fill. The placement by humans of sand, gravel, earth, sediment or other material to create new uplands or raise the elevation of land. Activities such as diking, jetties, groins, breakwaters (nonfloating) and dredge material can also be considered fill if they:

- (a) Involve the human placement of materials; and
- (b) Create new uplands or raise the elevation of land.

~~(85)~~**(86)** Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters from any source.

~~(86)~~**(87)** Flood Elevation Determination. A determination by the Administrator of the water surface elevations of the base flood from the approved flood hazard studies.

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- ~~(87)~~(88) Flood Hazard Boundary Map, (FHBM). An official map of the County furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map (FHBM) and delineating the boundaries of flood hazard areas.
- ~~(88)~~(89) Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.
- ~~(89)~~(90) Floodplain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
- ~~(90)~~(91) Floodplain Management Regulations. This Floodplain ordinance, together with building code requirements, health regulations and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- ~~(91)~~(92) Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- ~~(92)~~(93) Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.
- ~~(93)~~(94) Floor, Habitable. A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
- ~~(94)~~(95) Foredune. The first ridge of sand or hummock dunes situated immediately above the highest tide line and parallel to the beach. This includes active foredunes, conditionally stable foredunes and older foredunes. These may be sparsely vegetated or vegetated to the degree that they are wind stable. Soil types are Heceta fine sand 204A and Westport soils 205C and 206D.
- ~~(95)~~(96) Foredune, Active. An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.
- ~~(96)~~(97) Foredune, Conditionally Stable. An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.
- ~~(97)~~(98) Foredune, Older. A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.
- ~~(98)~~(99) Forest Operation. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- ~~(99)~~(100) Forest Uses. Forest uses are:
- (a) the production of trees and the processing of forest products;
 - (b) open space, buffers from noise and visual separation of conflicting uses;
 - (c) watershed protection and wildlife and fisheries habitat;
 - (d) soil protection from wind and water;
 - (e) maintenance of clean air and water;

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- (f) outdoor recreational activities and related support services and wilderness values compatible with these uses; and
- (g) grazing land for livestock.
- ~~(100)~~(101) Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.
- ~~(101)~~(102) Garage, Private Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this chapter, and which is not open for use by the general public.
- ~~(102)~~(103) Garage, Public Parking. A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this chapter, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).
- ~~(103)~~(104) General Merchandise. Items for human use, including: books and stationary, newspapers and magazines, clothing, furniture, drugs, curios and antiques, plants and flowers, household goods and furnishings, musical instruments and supplies, seeds and garden supplies, sporting goods, jewelry, art objects and supplies, pottery, handicrafts, photographic supplies, optical goods.
- ~~(104)~~(105) Grazing. The use of land for the pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals alone or in conjunction with agricultural pursuits.
- ~~(106)~~ Grazing, Low Intensity. Low intensity grazing is the use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivores at levels which will not damage permanent ground cover.
- ~~(105)~~(107) Ground Disturbance. Synonymous with the definition of topographic modification.
- ~~(106)~~(108) Group Care Home. Any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.
- ~~(107)~~(109) Guest House, Employee Quarters. An accessory building without a kitchen or cooking facilities and occupied solely by nonpaying guests or by a person or persons employed on the premises. As used in the F-1, F-2, and EFU zones, means an accessory building without a kitchen or cooking facilities and solely occupied by nonpaying guests.
- ~~(108)~~(110) Hearings Official. A person who has been appointed by the Board of County Commissioners to serve at its pleasure and at a salary fixed by it.
- ~~(109)~~(111) Historic Property. Real property currently listed in the National Register of Historic Places and/or an official state listing of historic places, and designated as

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

~~(110)~~(112) Historic Structure or Site. Property which had been identified by Lane County in its adopted Rural Comprehensive Plan findings as:

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

The above sites are also identified separately in LM 11.300.

~~(113)~~ Horticultural Specialties. A crop distinguishable from typical commercial crops mentioned in the farm groupings of the EFU zone which are conducive to intensive management techniques.

~~(114)~~(114) Housing. A dwelling that is subject to clear and objective standards, conditions and procedures. Housing is limited to land within unincorporated communities as designated by the Lane County Comprehensive Plan after December 5, 1994, nonresource lands, and areas zoned for rural residential uses. Housing does not include residential accessory structures or development ancillary to a dwelling, such as motor vehicle access and on-site wastewater treatment systems.

~~(112)~~(115) Hydraulic. Related to the movement or pressure of water.

~~(113)~~(116) Hydraulic hazards. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

~~(114)~~(117) Hydraulic processes. Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes and rivers).

~~(115)~~(118) Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

~~(116)~~(119) Indigenous Vegetation. Plant species not introduced directly or indirectly into a particular area from the outside. Originating or developing or produced naturally in a particular area.

~~(117)~~(120) Intensification. Any additions which increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 5, 1975.

~~(118)~~(121) Interdune Area. Low-lying areas between higher sand landforms and which are generally under water during part of the year.

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~~(+19)(122)~~ Interior Lot. A lot, other than a corner lot, having frontage on only one street.

~~(+20)(123)~~ Intertidal. Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

~~(+21)(124)~~ Irrigated. 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. For the purposes of this chapter, 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.

~~(+22)(125)~~ Jetty. A structure extending seaward from the mouth of a river designed to stabilize the river mouth by preventing the build-up of material at the river's mouth, and to direct or confine the stream or tidal flow.

~~(+23)(126)~~ Kennel; Commercial. A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

~~(+24)(127)~~ Kennel; Commercial Breeding. A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

~~(+25)(128)~~ Kennel; Noncommercial. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

~~(+26)(129)~~ Lawfully Established Unit of Land.

(a) A lot or parcel created pursuant to ORS 92.010 to 92.192; or

(b) Another unit of land:

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

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

(iii) That received legal lot verification from the County and was noticed pursuant LC 13.140.

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

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

~~(+27)(130)~~ Legal Interest. An interest in property not confined solely to ownership or possessory interest, but including all interests in property which in the discretion of the Planning Director, are not inconsistent with the intent and purposes of this chapter. Such interests may include, but are not limited to, the following: owner, contract purchaser, lessee, renter, licensee, easement, resolution or ordinance of necessity to acquire or condemn adopted by a public or private condemnor.

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- ~~(128)~~(131) Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.
- ~~(129)~~(132) Loading Space. An off street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.
- ~~(130)~~(133) Lot. A unit of land that is created by a subdivision of land.
- ~~(131)~~(134) Lot Line; Front. The private property line contiguous with the public street line or place. For corner lots, the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.
- ~~(132)~~(135) Lot Line; Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular-shaped lot, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- ~~(133)~~(136) Lot Line; Side. Any lot line which is not a front or rear line.
- ~~(134)~~(137) Lot of Record. A legal lot which meets all of the lot of record standards specified in ORS Chapter 215 (Sections 9 to 13, Chapter 884, Oregon Laws) and is entitled to a dwelling or mobile home irrespective of land use regulations.
- ~~(135)~~(138) Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.
- ~~(136)~~(139) Low Intensity. An activity or use conducted at a level that does not require developed facilities and can be accommodated without change to an area or resource.
- ~~(137)~~(140) Main Channel. That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.
- ~~(138)~~(141) Maintain. Support, keep, and continue in an existing state or condition without decline.
- ~~(139)~~(142) Maintained Channels and Jetties. Only those channels or jetties authorized by Congress and which are periodically rehabilitated to deepen or stabilize the watercourse.
- ~~(140)~~(143) Manufactured Dwelling. A residential trailer, mobile home, or manufactured home. "Manufactured dwelling" does not include any building or structure constructed to conform the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 (Duties of director) to 455.450 (Prohibited acts) and 455.610 (Low-Rise Residential Dwelling Code) to 455.630 (Enforcement) or any unit identified as a recreational vehicle by the manufacturer.
- ~~(141)~~(144) Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for

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human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract. The term "manufactured home" is synonymous with "manufactured dwelling," but does not include a "recreational vehicle."

~~(+142)~~(145) Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~(+143)~~(146) Manufactured Structure. A structure that is designed or able to be relocatable, including but not limited to mobile home and recreational vehicles. The term does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code.

~~(+144)~~(147) Map, Partition. A final diagram and other documentation relating to a major or minor partition.

~~(+145)~~(148) Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300. (OAR 845-025-1015(24))

~~(+146)~~(149) Marijuana processing. A use where a marijuana processor processes marijuana.

- (a) For the purpose of this definition the term "marijuana processor" means a person who processes marijuana items in the State of Oregon. (OAR 845-025-1015(28)).
- (b) For the purpose of this definition the term "processes" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts. (OAR 845-025-1015(39)).
- (c) In accordance with ORS 215.213(1)(u), a facility for processing farm crops may be allowed in an Exclusive Farm Use (EFU) zone as part of the marijuana production use:
 - (i) If the processing facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility
 - (ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A processing facility or establishment must comply with all applicable siting standards.

~~(+147)~~(150) Marijuana production.

- (a) A use where a marijuana producer, produces marijuana. This use is considered a farm use, as that term is defined in ORS 215.203. Additionally, the mature marijuana is considered a crop and farm product as it related to the terms "farm", and "farming practice", as those terms are applied in ORS 30.930.

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- (b) Drying and storage of marijuana by a marijuana producer is considered “preparation” of a farm product and is included as part of the definition of farm use in OAR 660-033-0020(7)(b)(A).
- (c) “Preparation” of a farm product also includes cleaning, treatment, sorting, or packaging.
- (d) Wholesale distribution of a farm crop is allowed as part of a farm use, as defined in ORS 215.203(2)(a) as “disposal by marketing or otherwise of the products...”.
- (e) For the purpose of this definition the term “produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana. OAR 845-025-1015(42))
 - (i) The definition of “produces” does not include:
 - (aa) Drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana.
 - (bb) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.
- (f) For the purpose of this definition the term “marijuana producer” means a person who produces marijuana in the State of Oregon. (OAR 845-025-1015(29))
- ~~(148)~~**(151)** Marijuana research. A use that includes those activities specified in an OLCC approved research proposal that are conducted by qualified public or private researchers that are in possession of a valid OLCC Marijuana Research Certificate pursuant to ORS 845-025-5300.
- ~~(149)~~**(152)** Marijuana retail sales. A use where marijuana is bought and sold by a marijuana retailer.
 - (a) For the purpose of this definition the term “marijuana retailer” means a person who sells marijuana items to a consumer in the State of Oregon. (OAR 845-025-1015(30))
- ~~(150)~~**(153)** Marijuana testing laboratory. A use that includes the testing of marijuana in a laboratory certified by the authority under ORS 438.605 to 438.620 and for the purposes specified within OAR 845-025.
- ~~(151)~~**(154)** Marijuana wholesale distribution. A use where marijuana is bought and sold by a marijuana wholesaler. This use includes packaging and labeling.
 - (a) For the purpose of this definition the term “marijuana wholesaler” means a person who purchases marijuana items in the State of Oregon for resale to a person other than a consumer. (OAR 845-025-1015(31))
- ~~(152)~~**(155)** Marsh, High Salt. Includes immature high marsh, mature high marsh and diked salt marsh. These marshes are from two to three feet above tide flat areas and are characterized by at least occasional tidal inundation at higher, high tides or, in the case of diked salt marshes, more infrequently with the opening of tide gates or with periodic flooding.

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~~(+53)~~(156) Mining. All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

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

~~(+54)~~(157) Minor Navigational Improvements. Alterations necessary to provide water access to existing or permitted uses in conservation management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

~~(+55)~~(158) Mitigation. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); the creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

~~(+56)~~(159) Mobile Home. A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

~~(+57)~~(160) Mobile Home Park. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

~~(+58)~~(161) Natural Areas. Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural historical, scientific, or paleontological features, or for the appreciation of natural features.

~~(+59)~~(162) Natural Hazards. Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater,

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erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

~~(+60)~~(163) Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that as defined by "Residential Home".

~~(+61)~~(164) Ocean Flooding. The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

~~(+62)~~(165) 100 Year Flood. See "Base Flood".

~~(+63)~~(166) Ordinary High Water Line. The ordinary high water line ~~level~~ is defined as ~~the line on the bank or shore of a river or water body~~ ~~high level of a river~~ which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, the ordinary high water line may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

~~(+64)~~(167) Ordinary Low Water Line. The ordinary low water line ~~mark~~ of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers' flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high water line.

~~(+65)~~(168) Outdoor Advertising and Structure. Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

~~(+66)~~(169) Outdoor Mass Gathering. A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use

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decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

~~(+67)(170)~~ Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

~~(+68)(171)~~ Parcel.

(a) Includes a unit of land created:

- (i) by partitioning land as defined in LC 16.090,
- (ii) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
- (iii) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

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

~~(+69)(172)~~ Parking Area, Automobile. Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

~~(+70)(173)~~ Parking Area, Private. Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

~~(+71)(174)~~ Parking Area, Public. Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.

~~(+72)(175)~~ Parking Space. A permanently maintained space with proper access for one standard sized automobile.

~~(+73)(176)~~ Partition. Either an act of partitioning land or an area or tract of land partitioned.

~~(+74)(177)~~ Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year, but does not include:

- (a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (b) Adjusting a property line as property line adjustment is defined in Lane Code 16.090;
- (c) Dividing land as a result of the recording of a subdivision or condominium plat;
- (d) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes-if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

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- (e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.
- ~~(175)~~(178) Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board of Commissioners and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.
- ~~(176)~~(179) Person. A natural person, or the heirs, executors, administrators or assigns of the natural person; or a firm, partnership or corporation, its heirs or successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board or bureau of the State.
- ~~(177)~~(180) Personal Services. Laundering, dry cleaning and dyeing; rug cleaning and repair; photographic services; beauty and barber shops; apparel repair and alterations; shoe repair and maintenance; etc.
- ~~(178)~~(181) Planning Commission. The Planning Commission of Lane County, Oregon.
- ~~(179)~~(182) Plat. A final diagram and other documents relating to a subdivision.
- ~~(180)~~(183) Prefabricated Structure. A building or structural unit that has been in whole or substantial part manufactured at an offsite location to be wholly or partially assembled on site, but does not include a mobile home, trailer or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.
- ~~(181)~~(184) Preparation. See “farm use” definition.
- ~~(182)~~(185) Primary Processing Facility. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this definition, means timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.
- ~~(183)~~(186) Processed. As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption
- ~~(184)~~(187) Professional Services. Medical and health services, legal services and other professional services, including those related to: engineering, architecture, education, scientific research, accounting, planning, real estate, etc.

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~~(185)~~**(188)** Property Line. “Property line” means the division line between two units of land.

~~(186)~~**(189)** Property Line Adjustment. A relocation or elimination of all or a portion of a common property line between abutting properties that does not create an additional lot or parcel.

~~(187)~~**(190)** Received. Acquired by or taken into possession by the Director.

~~(188)~~**(191)** Recreation. Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

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

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

~~(189)~~**(192)** Recreational Vehicle. A vacation trailer or other unit, with or without motive power, built on a single chassis and which is designed for human occupancy and to be used temporarily for recreational camping, seasonal or emergency purposes and has a floor space of less than 400 square feet, when measured at the largest horizontal projections, is designed to be self-propelled or permanently towable by a light duty truck. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle.

The unit shall be identified as a recreational vehicle by the manufacturer or converter.

~~(190)~~**(193)** Recreational Vehicle Park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

~~(191)~~**(194)** Refinement Plan. Refinement plans are a detailed examination of the service needs and land use problems peculiar to a particular area. Refinements of the Comprehensive Plan can include specific neighborhood or community plans, or special purpose or functional plans (such as water, sewer or transportation plans). In addition, refinement plan can be in the form of major planned unit developments, annexation and zoning applications, or other special area studies.

~~(192)~~**(195)** Removal. The act of removing or fact of being removed by a person: i.e., to cut the main stem or trunk of vegetation or to spray the foliage of vegetation which results in the significant loss of growth or health or the death of vegetation; to mechanically or manually disrupt or dislodge the root structure of vegetation resulting in significant loss of growth or health or causing the death of vegetation.

~~(193)~~**(196)** Replacement in Kind. The replacement of a structure of the same size as the original and at the same location on the property as the original.

~~(194)~~**(197)** Residential Care Facility. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources

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under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

~~(195)~~**(198)** Residential Home. As authorized and regulated by state law, a care facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

~~(196)~~**(199)** Restoration, Active. Use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

~~(197)~~**(200)** Restoration, Estuarine. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP); estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

~~(198)~~**(201)** Restoration, Passive. The use of natural processes, sequences and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

~~(199)~~**(202)** Restoration, Shorelands. Revitalizing, returning or replacing original attributes and amenities such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purposes of LC 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD); shoreland restoration means to revitalize or reestablish functional characteristics and processes of the shoreland diminished or lost by past alterations, activities, or catastrophic events.

~~(200)~~**(203)** Riprap. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

~~(201)~~**(204)** Roadside Stand. A use providing for the retail sale of any agricultural produce where more than one-half of the gross receipts result from the sale of produce grown on the unit of land where the roadside stand is located.

~~(202)~~**(205)** Rural Land. Land outside urban growth boundaries that is:

- (a) Non-urban agricultural, forest or open space;
- (b) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use; or

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(c) In an unincorporated community.

~~(203)~~**(206)** School. A place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of Education is provided.

~~(204)~~**(207)** Seasonal Farm Worker Housing. Housing limited in occupancy by seasonal farm workers and their immediate families, which is occupied no more than nine months a calendar year. "Seasonal farm worker" means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

~~(208)~~ Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

~~(205)~~**(209)** Setback/Set Back. The horizontal separation between two or more specified features. The setback is a straight line perpendicular to one of the features separated by the required setback distance, unless otherwise noted in Lane Code Chapter 16.

~~(206)~~**(210)** Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

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

~~(207)~~**(211)** Shelter Home. A certified foster home or a licensed facility contracted with the state Childrens' Services Division for the purpose of safekeeping of children taken into temporary custody pending investigation and disposition, where the circumstances are such that the children need not be kept in secure custody.

~~(208)~~**(212)** Sign. Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. However, the term "sign" shall not include any display of official, court or public notices, nor shall it include the flag, emblem or insignia of a nation,

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government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this chapter.

~~(209)~~**(213)** Site, Residential. An area of more or less intensive development, surrounding a dwelling, not less than 60 feet wide, nor less than 6,000 square feet in area and comparable to a normal city lot.

~~(210)~~**(214)** Solid Waste Management. A planned program providing for the collection, storage and disposal of solid waste including, where appropriate, recycling and recovery.

~~(211)~~**(215)** Start of Construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways., nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~(212)~~**(216)** State Plane Coordinate System. The system of plane coordinates which has been established by the U.S. Coast & Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Oregon.

~~(213)~~**(217)** Structure. Synonymous with the definition of building.

~~(214)~~**(218)** Structure in a Flood Hazard Area. A walled and roofed building, a mobile home or a tank used in the storage of gas or liquid which is principally above ground.

~~(215)~~**(219)** Structure or Facility that Provides Water-Dependent Access. For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids. For the purposes of this specific definition, "access" means physical contact with or use of the water.

~~(216)~~**(220)** Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

~~(217)~~**(221)** Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

~~(218)~~**(222)** Substantial Damage. Damage sustained by a structure or manufactured home whereby the cost of restoring the structure or manufactured home to its before-damaged condition would equal or exceed 50 percent of the market value of the structure or manufactured home before the damage occurred.

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~~(219)~~**(223)** Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project or improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

~~(220)~~**(224)** Temporary Alteration. Dredging, filling, or another estuarine alteration occurring over a specified short period of time THAT is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) Alterations necessary for federally authorized projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance; (2) Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and (3) minor structures (such as blinds) necessary for research and educational observation.

~~(221)~~**(225)** Tidal Marsh. Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.

~~(222)~~**(226)** Tract.

(a) A lot or parcel as defined in LC 16.090.

(b) For the purposes of LC 16.211, "Tract" means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage because it is crossed by a public road or waterway.

~~(b)~~**(227)** Topographic Modification. **Any change made to the natural land surface, including grading, excavation, filling, and the removal of vegetation that alters the original contours or elevation of the site.**

~~(223)~~**(228)** Urban. Those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (a) have concentrations of persons who generally reside and work in the area, and (b) have supporting public facilities and services.

~~(224)~~**(229)** Urbanizable. Those lands within an urban growth boundary and which are identified and (a) determined to be necessary and suitable for future urban use areas, and (b) can be served by urban services and facilities, and (c) are needed for the expansion of an urban area.

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

~~(225)~~**(231)** Vegetation Removal/Removal of Vegetation. **Means the removal of plant roots from the ground; the removal or damage of any live plant material, such as**

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cutting, pulling, grading, tramplng, girdling, application of herbicides, burning, and placement of a physical barrier in the form of ground covering; and ground disturbance such as grading or resurfacing, and depositing of gravel or other fill material.

~~(226)~~(232) Veterinary Clinic. Synonymous with the definition of “animal hospital.”

~~(227)~~(233) Water Dependent Use. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

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

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

(b) Typical examples of “water dependent uses” include the following:

- (i) Aquaculture.

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

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

(4) For the purposes of LC 16.234 (NE-RCP), 16.235 (CE-RCP), 16.236 (DE-RCP), 16.237 (/SN-RCP), 16.238 (/PW-RCP), 16.239 (/NRC-RCP), 16.240 (/RD-RCP), 16.241 (/MD-RCP), 16.242 (/DMS-RCP), and 16.243 (/BD-RCP); examples of uses that are not “water dependent uses” include restaurants, hotels, motels, bed and

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breakfasts, residences, parking lots not associated with water dependent uses, and boardwalks.

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

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

~~(228)~~**(234)** Water Oriented Use. A use whose attraction to the public is enhanced by a view of or access to coastal waters.

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

~~(229)~~**(235)** Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

~~(230)~~**(236)** Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines.

~~(231)~~**(237)** Yard. An open space on the same lot with a building unoccupied and obstructed from the ground upward, except as otherwise provided herein.

~~(232)~~**(238)** Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.

~~(233)~~**(239)** Yard, Rear. An open, unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

~~(234)~~**(240)** Yard, Side. An open, unoccupied space on the same lot with a building, between the sidewall line of the building and the side line of the lot.

~~(235)~~**(241)** Youth Camp. A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

~~(236)~~**(242)** Yurt. A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-87, 8.13.87; 19-87, 10.14.87; 12-90, 10.11.90; 3-91, 5.17.91; 10-92, 11.12.92; 12-97, 11.20.97; 5-02, 8.28.02; 10-07, 10.19.07; 2-09, 1.8.10; 6-10; 9.17.10; 7-12, 12.28.12; 14-08, 11.5.14; 14-09, 12-16-14; 15-08, 12-15-15; 16-01, 2.25.16; 18-07, 12.27.18; 20-05, 6.16.20; 20-06, 6.16.20)

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NONIMPACTED FOREST LANDS ZONE (F-1, RCP)

RURAL COMPREHENSIVE PLAN

F-1 Zone Table of Contents

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16.210 Nonimpacted Forest Lands (F-1, RCP)

(1) Purpose

The purpose of the Nonimpacted Forest Land (F-1) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-1 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-1 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-1 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size, prohibition of new dwellings, and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.210-1 sets forth the uses allowed in the F-1 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.210-1. All uses and their accessory buildings are subject to the general

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provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.210.

As used in Table 16.210-1:

- (a) Use Type:
 - (i) "A" means the use is allowed outright or permitted subject to standards.
 - (ii) "C" means the use is a Conditional Use, subject to Section (4) and other listed criteria.
- (b) Local Procedure Type:
 - (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) "AL" means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The "Subject To" column identifies any specific provisions of LC 16.210 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.210(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.210(5) and (6). Any new structure subject to LC 16.210(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations 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	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)
2.	Residential Uses			
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(m), (5), (6)
2.2.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(a), (3)(m)- (o), (5), (6)
2.3.	Temporary hardship dwelling	C	II	(3)(b), (3)(m), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	Home occupations	C	II	(3)(c), (4)
3.6.	Permanent facility for the primary processing of forest products	C	II	(3)(h), 0, (5), (6)
3.7.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.8.	Private seasonal accommodations for fee hunting operations	C	II	(3)(d), (4), (5), (6)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.9.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(o), (4), (5), (6)
3.10.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	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	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.4.	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	A	P	
5.5.	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	A	P	
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)
5.15.	Pipelines	C	II	(4)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(i), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(i), (4)
5.19.	Continuous median turn lanes	C	II	(3)(i), (4)
5.20.	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	C	II	(3)(i), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.210 that serve local travel needs	C	II	(3)(i), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation			
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm irrigation and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and 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;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(f), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)
7.2.	Youth camps	A	II	(3)(i), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(g), (4), (5), (6)

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Table 16.210-1: Use Table for Nonimpacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
7.9.	Storage structures for emergency supplies	C	II	(3)(k), (4), (5), (6)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(l)
9.	Accessory Uses			
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.210.	A	P or II	(3)(o), (5), (6)

(3) Use Standards

- (a) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:
 - (i) The dwelling was lawfully established;
 - (ii) The lawfully established dwelling:
 - (aa) Has intact exterior walls and roof structures;
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Has interior wiring for interior lights; and

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- (dd) Has a heating system;
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- (b) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling (MH), or recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;
 - (bb) Except as provided in (3)(b)(i)(cc) below, approval of a temporary hardship dwelling permit is 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 requirement;
 - (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
 - (ii) As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons; and
 - (iii) A temporary hardship dwelling approved under (3)(b) above cannot be eligible for replacement under (3)(b) above.
- (c) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;

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- (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-1 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.210;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
- (d) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (e) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
 - (i) Accommodations 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 occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (f) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (g) Private Parks and Private Campgrounds.
 - (i) Campgrounds in private parks may be permitted, subject to the following:

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- (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must 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;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;
 - (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(g)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (h) Permanent facility for the primary processing of forest products.
- (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(h)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (i) Certain transportation facilities and uses must comply with the following:

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- (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. Lane County 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.
- (j) Youth Camps
 - (i) The purpose of a youth camp 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. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
 - (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(j)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County 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 paragraph (3)(j)(ii)(bb).
 - (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
 - (dd) The use 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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- (ee) A campground as described in Subsection (3)(g) cannot be established in conjunction with a youth camp.
- (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
- (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:
 - (aa) 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 is 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.
 - (bb) Is at least 40 acres in size.
 - (cc) 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 must 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 is 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:
 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - (dd) 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 governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:

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- (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not 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.
- (bb) Primary cooking and eating facilities must 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 are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
- (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.
- (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
- (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
- (ff) Covered areas that are not fully enclosed.
- (gg) 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.
- (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:

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- (aa) The fire siting standards in Section (6).
- (bb) A fire safety protection plan must be developed for each youth camp that includes the following:
 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
- (cc) Except as determined under paragraph (3)(j)(v)(dd), a youth camp's on-site fire suppression capability must at least include:
 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and
 - (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
- (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability must 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 ODF and not served by a local structural fire protection provider.
- (ee) The provisions of paragraph (3)(j)(v)(dd) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs Lane County in writing that on-site fire suppression at the camp is not needed.

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- (vi) The Director, or its designate, requires 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.
- (k) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.
 - (vii) As used in this section, "storage structures for emergency supplies" means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- (l) Any Outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:
 - (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

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- (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.
- (m) For single-family dwellings, the landowner must sign and record in the deed records for the County 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.
- (n) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (o) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.210(5)(a). For the purpose of LC 16.210(3)(o), the "same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.210-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.3, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

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(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.210. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by nonforest uses;
 - (iii) Where possible, when considering LC 16.210(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot 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.
 - (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).
 - (iii) The minimum distance necessary to comply Sections (5)(a) and (6).
 - (iv) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards~~a riparian modification application~~ is approved in accordance with LC 16.253(~~63~~). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.

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- (c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must 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 must provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.210(5)(c) above, evidence of domestic water supply means:
 - (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.
- (d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (e) Approval of a dwelling is subject to the following requirements:
 - (i) Approval of a dwelling requires the owner of the tract to 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 must notify the County Assessor of the above condition at the time the dwelling is approved.
 - (iii) Stocking survey report:
 - (aa) If the lot or parcel is more than ten acres, the property owner must 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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- (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.

(f) Signs.

- (i) Signs cannot extend over a public right-of-way or project beyond the property line;
- (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
- (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.210:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;

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- (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).
- (b) Fire Safety Design Standards for Roads and Driveways.
 - (i) 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 firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein, "driveway" means a way of access used for only one dwelling.
 - (ii) Road and Driveway Surfaces. Roads must 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 must 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 must have a vertical clearance of 13 feet 6 inches.
 - (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:

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- (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must 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 must be constructed to the standards for driveways in LC 16.210(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must 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 must 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 must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
- (cc) Cul-de-sacs or hammerhead turnarounds cannot 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.
- (iv) Bridges and Culverts. Bridges and culverts must 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.
- (v) Road and Driveway Grades. Road and driveway grades cannot 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 firefighting equipment of the agency providing fire protection to access: the use, firefighting equipment, and water supply.
- (vi) Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.

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- (vii) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must 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.
- (viii) Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) 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 firefighting equipment from its point of origination to its point of destination.
- (c) Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.
 - (i) 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, unless otherwise specifically stated in LC 16.210. 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 must 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 must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
 - (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.210-2 Minimum Primary Safety Zone

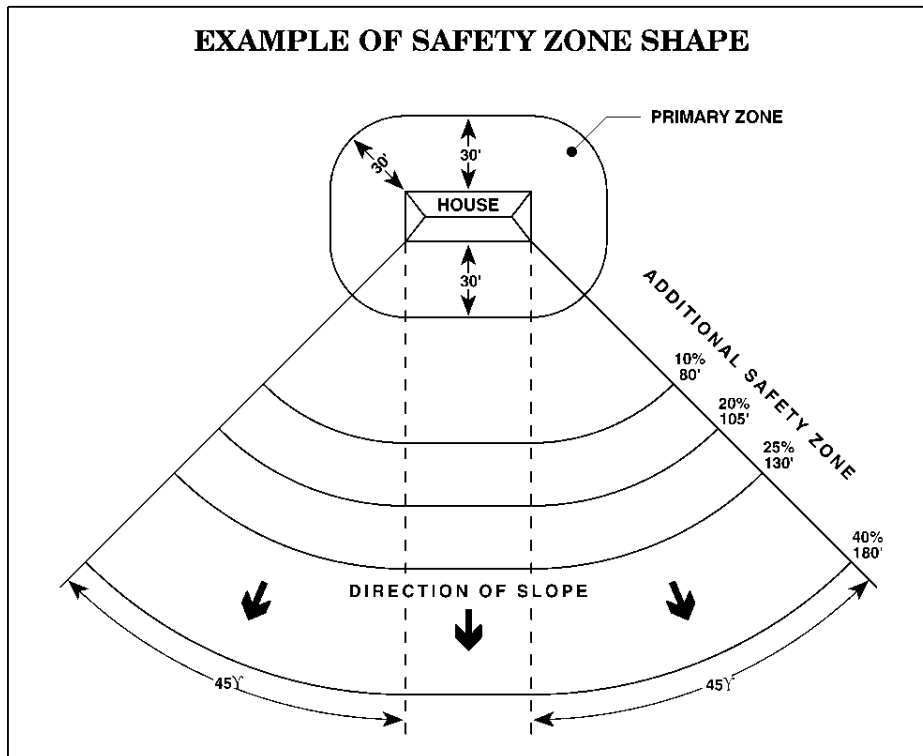
<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

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Figure 16.210-1



- (ii) **Secondary Safety Zone.** The secondary safety zone is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary safety zone 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 safety zone must be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees must be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels must be removed.

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Nonimpacted Forest Land (F-1) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.

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- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:
 - (i) The following uses in Table 16.210-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - (bb) Use 1.4. Log scaling and weigh stations
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.
 - (dd) Use 3.8. Permanent logging equipment repair and storage.
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - (gg) Use 6.4. Television, microwave and radio communication facilities and transmission towers.
 - (hh) Use 6.7. Reservoirs and water impoundments
 - (ii) Use 6.8. Commercial power generating facilities
 - (jj) Use 7.3. Aides to navigation and aviation
 - (kk) Use 7.4. Firearms training facilities
 - (ll) Use 7.5. Fire stations for rural fire protection
 - (mm) Use 7.6. Cemeteries.
 - (nn) Use 7.7. Public parks
 - (oo) Use 7.8. Private parks and campgrounds
 - (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

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- (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and
- (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (cc) Restrictions
 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the 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.
- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;

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- (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
- (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (iv) To allow a division of a lot or parcel zoned for forest use if:
 - (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(a)(i);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and
 - (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland 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.
 - (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.

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- (v) 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 (aa) through (dd) below:
 - (aa) 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:
 - (A) If the parcel contains a dwelling or another use allowed under LC 16.210, the parcel must be large enough to support continued residential use or other allowed use of the parcel;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
 - (bb) Before approving a proposed division of land under this section, the Planning Director must 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:
 - (A) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in LC 16.210 except park or conservation uses; and
 - (B) 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.
 - (cc) If a proposed division of land under (7)(b)(v) 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.
 - (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.

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- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-1 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:
 - (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16. (*Revised: Ordinance: 20-06, Date Passed: 6.16.20*)

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PAGES 16-87 THROUGH 16-91
ARE RESERVED FOR FUTURE EXPANSION

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IMPACTED FOREST LANDS ZONE (F-2, RCP)

RURAL COMPREHENSIVE PLAN

F-2 Zone Table of Contents

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16.211 Impacted Forest Lands (F-2, RCP)

(1) Purpose

The purpose of the Impacted Forest Land (F-2) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-2 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county.

The F-2 zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F-2 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

(2) Use Table

Table of Permitted Uses

Table 16.211-1 sets forth the uses allowed in the F-2 zone subject to Type I, II, or III approval processes. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III process, unless otherwise specified on Table 16.211-1. All uses and their accessory buildings are subject to the general

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provisions, special conditions, additional restrictions, siting standards, fire siting standards, and exceptions set forth in LC 16.211.

As used in Table 16.211-1:

- (a) Use Type:
 - (i) “A” means the use is allowed outright or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (4) and other listed criteria.
- (b) Local Procedure Type:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) “AL” means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The “Subject To” column identifies any specific provisions of LC 16.211 to which the use is subject. All uses and development are subject to the development standards provisions of LC 16.211(5)(b) and (6)(c). Residences, dwellings, and structures must comply with LC 16.211(5) and (6). Any new structure subject to LC 16.211(5)(a) is subject to a Type II procedure pursuant to LC Chapter 14.
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4), “...discretionary approval of a proposed development of land...” an owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Forest, Farm and Natural Resource Uses			
1.1.	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	P	
1.2.	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	I	(5)(b), (6)(c)
1.3.	Physical alterations 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	A	P	
1.4.	Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	P	
1.5.	Farm use as defined in LC 16.090.	A	P	
1.6.	Uninhabitable structures accessory to fish and wildlife enhancement	A	I	(5)(b), (6)(c)
1.7.	Agricultural building	A	I	(5)(b), (6)(c)
1.8.	Log scaling and weigh stations	C	II	(4), (5), (6)
1.9.	Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations	C	II	(4), (5), (6)
1.10.	Marijuana production	A	I	LC 16.420, (5)(b), (6)(c)
1.11.	Marijuana wholesale distribution	A	I	LC 16.420, (5)(b), (6)(c)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.12.	Marijuana research	A	I	LC 16.420, (5)(b), (6)(c)
2.	Residential Uses			
2.1.	Caretaker residences for public parks and public fish hatcheries	A	II	(3)(p), (5), (6)
2.2.	Large tract forest dwelling	A	II	(3)(a), (3)(p), (3)(q), (5), (6)
2.3.	Lot of record dwelling	A	II	(3)(b), (3)(p), (3)(q) , (5), (6)
2.4.	Template dwelling	A	II	(3)(c), (3)(p), (3)(q) , (5), (6)
2.5.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	(3)(d), (3)(p), (3)(r) , (5), (6)
2.6.	Temporary hardship dwelling	C	II	(3)(e), (3)(p), (4), (5), (6)
3.	Commercial Uses			
3.1.	Temporary portable facility for the primary processing of forest products	A	I	(5)(b), (6)(c)
3.2.	Temporary forest labor camps	A	I	(5)(b), (6)(c)
3.3.	Private hunting and fishing operations without any lodging accommodations	A	P or II	(5), (6)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.4.	Parking of up to seven dump trucks and trailers	C	II	(4)
3.5.	In-home commercial activity (Minor Home Occupation)	A	I	(3)(g)
3.6.	Home occupations	C	II	(3)(e), (4)
3.7.	Permanent facility for the primary processing of forest products	C	II	(3)(k), (4), (5), (6)
3.8.	Permanent logging equipment repair and storage	C	II	(4), (5), (6)
3.9.	Private seasonal accommodations for fee hunting operations	C	II	(3)(g), (4), (5), (6)
3.10.	Private accommodations for fishing occupied on a temporary basis	C	II	(3)(h), (4), (5), (6)
3.11.	Marijuana processing, provided an on-site dwelling is present	C	II	LC 16.420, (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Exploration for aggregate resources as defined in ORS chapter 517	A	P	
4.2.	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	A	P	
4.3.	Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted by 4.2 above (e.g. compressors, separators, and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517	C	III	(4), (4)(d)
4.4.	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C	II	(4)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to condition or use in effect prior to construction of the detour at such time as no longer needed	A	P	
5.4.	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	A	P	
5.5.	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	A	P	
5.6.	Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards	A	P	
5.7.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.8.	Changes in the frequency of transit, rail and airport services	A	P	
5.9.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	(4)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.10.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	(4)
5.11.	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	C	II	(4)
5.12.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.13.	Park and ride lots	C	II	(4)
5.14.	Railroad mainlines and branch lines	C	II	(4)
5.15.	Pipelines	C	II	(4)
5.16.	Navigation channels	C	II	(4)
5.17.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(I), (4)
5.18.	Replacement of an intersection with an interchange	C	II	(3)(I), (4)
5.19.	Continuous median turn lanes	C	II	(3)(I), (4)
5.20.	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	C	II	(3)(I), (4)
5.21.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(I), (4)
5.22.	Expansion of lawfully existing airports	C	II	(4), (5), (6)
6.	Utility and Power Generation, Solid Waste			

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
6.1.	Local distribution lines (e.g. electric, telephone, natural gas) & accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups	A	P	
6.2.	Water intake facilities, canals and distribution lines for farm on and ponds	A	P	
6.3.	Disposal site for solid waste approved by the governing body of a city or county or both and 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;	C	II	(4), (5), (6)
6.4.	Television, microwave and radio communication facilities and transmission towers	C	II	(4), (5), (6)
6.5.	New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width	C	II	(4)
6.6.	Water intake facilities, related treatment facilities, pumping stations and distribution lines	C	II	(4), (5), (6)
6.7.	Reservoirs and water impoundments	C	II	(4)
6.8.	Commercial utility facilities for the purpose of generating power	C	II	(3)(i), (4), (5), (6)
6.9.	Telecommunication tower changeout	A	I	(8)
6.10.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	(8)
6.11.	Telecommunication tower collocation	A	II	(8)
6.12.	New telecommunication tower or replacement tower	C	III	(4), (5), (6), (8)
7.	Public and Quasi-public Uses			
7.1.	Towers and fire stations for forest fire protection	A	II	(5), (6)

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
7.2.	Youth camps	A	II	(3)(m), (5), (6)
7.3.	Aids to navigation and aviation	C	II	(4), (5), (6)
7.4.	Firearms training facility as provided in ORS 197.770	C	II	(4), (5), (6)
7.5.	Fire stations for rural fire protection	C	II	(4), (5), (6)
7.6.	Cemeteries	C	II	(4)
7.7.	Public parks and public campgrounds, including those uses specified under OAR 660-034-0035 or OAR 660-034-0040	C	II	(4), (5), (6)
7.8.	Private parks and private campgrounds	C	II	(3)(j), (4), (5), (6)
7.9.	Storage structures for emergency supplies	C	II	(3)(n), (4), (5), (6)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(o)
9.	Accessory Uses			

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Table 16.211-1: Use Table for Impacted Forest Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.211.	A	P or II	(3)(r), (5), (6)

(3) Use Standards

- (a) A large tract forest dwelling may be allowed on a lot or parcel zoned for forest use, but it must comply with other provisions of law, including the following:
 - (i) The tract does not include a dwelling.
 - (ii) The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in Lane County or adjacent counties and zoned for forest use.
 - (aa) A tract cannot be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.
 - (iii) Prior to issuance of a building permit, a deed restriction must be filed for all tracts that are used to meet the acreage requirements of this subsection pursuant to:
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located.
 - (bb) 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.
- (b) A lot of record dwelling may be allowed on a lot or parcel zoned for forest use pursuant to the following:
 - (i) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (iv):
 - (aa) Since prior to January 1, 1985; or

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- (bb) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;
 - (ii) The tract on which the dwelling will be sited does not include a dwelling;
 - (iii) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - (iv) For purposes of this subsection, "owner" includes the 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;
 - (v) The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined in LC Chapter 15 that provides or will provide access to the subject tract. The road must be maintained and either paved or surfaced with rock and cannot be:
 - (aa) A United States Bureau of Land Management road; or
 - (bb) 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;
 - (vi) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract must be consolidated into a single lot or parcel when the dwelling is allowed; and
 - (vii) When the lot or parcel on which the dwelling will be sited lies within an area designated in the Rural Comprehensive Plan as habitat of big game, the siting of the dwelling must be consistent with the limitations on density upon which the Rural Comprehensive Plan and land use regulations intended to protect the habitat are based.
- (c) A single family "template" dwelling authorized on a lot or parcel located within a forest zone pursuant to the following:
- (i) If the lot or parcel is predominantly composed of soils that are:
 - (aa) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:

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- (A) 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; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (bb) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) 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; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (cc) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (ii) Lots or parcels within urban growth boundaries cannot be used to satisfy the eligibility requirements of subsection (i) above;
- (iii) A dwelling, as used in subsection (i) above, is considered to be in the 160-acre template if any part of the parcel is in the 160-acre template;
- (iv) Except as provided by subsection (v) below, if the subject tract abuts a road that existed on January 1, 1993, the measurement required in (i) above may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;
- (v) The following applies where a tract 60 acres or larger abuts a road or perennial stream:
 - (aa) The measurement must be made in accordance with paragraph (iv). However, one of the three required dwellings must be on the same side of the road or stream as the tract, and:

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- (A) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract;
- (bb) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling;
- (vi) A proposed "template" dwelling under this section is not allowed:
 - (aa) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph (3)(a)(iii) for the other lots or parcels that make up the tract are met; or
 - (bb) If the tract on which the dwelling will be sited includes a dwelling;
- (vii) Where other lots or parcels that make up a tract in Subsection (vi):
 - (aa) The applicant must provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located;
 - (bb) 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;
- (viii) The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions, and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.
- (d) Alteration, restoration, or replacement of a lawfully established dwelling, subject to the following:
 - (i) The dwelling was lawfully established;
 - (ii) The lawfully established dwelling:

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- (aa) Has intact exterior walls and roof structures;
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Has interior wiring for interior lights; and
 - (dd) Has a heating system;
 - (iii) In the case of replacement, is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- (e) A temporary hardship dwelling is subject to the following:
- (i) One manufactured dwelling (MH), recreational vehicle (RV), or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is available, the hardship dwelling may connect to the public system and not use a subsurface sewage disposal system;
 - (bb) Except as provided in (3)(e)(i)(cc) below, approval of a temporary hardship dwelling permit is 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 requirement;
 - (cc) Within 90 days of the end of the hardship situation, the MH or RV must be removed from the property or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowable nonresidential use or demolished; and
 - (dd) The temporary hardship dwelling will comply with Oregon Department of Environmental Quality review and removal requirements;
 - (ii) As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons; and
 - (iii) A temporary hardship dwelling approved under (3)(e) above cannot be eligible for replacement under (3)(d) above.

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- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the F-2 Zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.211;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupation; and
 - (vi) Not be used as a justification for a zone change.
- (g) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (ii) Only minor incidental and accessory retail sales are permitted; and
 - (iii) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (h) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
 - (i) Accommodations 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 occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (iv) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- (i) A commercial utility facility for the purpose of generating power cannot preclude more than 10 acres from use as a commercial forest operation, unless an exception is taken pursuant to OAR 600, Division 4.
- (j) Private Parks and Private Campgrounds.

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- (i) Campgrounds in private parks may be permitted, subject to the following:
 - (aa) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds are not allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - (bb) A campground must 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;
 - (cc) Campgrounds authorized by this rule cannot include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations;
 - (dd) Overnight temporary use in the same campground by a camper or camper's vehicle cannot exceed a total of 30 days during any consecutive six-month period;
 - (ee) Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hook-ups cannot be provided to individual camp sites except that electrical service may be provided to yurts allowed by Section (3)(j)(i)(ff); and
 - (ff) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt must be located on the ground or on a wood floor with no permanent foundation.
- (k) Permanent facility for the primary processing of forest products.
 - (i) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (ii) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (iii) Located in a proportionate combination of indoor and outdoor areas described in Sections (3)(k)(i) and (ii); and
 - (iv) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by Lane County.
- (l) Certain transportation facilities and uses must comply with the following:

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- (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and
 - (iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.
- (m) Youth Camps
 - (i) The purpose of a youth camp 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. Changes to or expansions of youth camps established prior to June 14, 2000, are subject to the provisions of ORS 215.130.
 - (ii) An application for a proposed youth camp must comply with the following:
 - (aa) The number of overnight camp participants that may be accommodated must be determined by Lane County, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph (3)(m)(ii)(bb) a youth camp cannot provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (bb) Lane County 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 paragraph (3)(m)(ii)(aa).
 - (cc) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, cannot exceed 10 percent of the total camper nights offered by the youth camp.
 - (dd) The use 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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- (ee) A campground as described in Subsection (3)(j) cannot be established in conjunction with a youth camp.
- (ff) A youth camp cannot be allowed in conjunction with an existing golf course.
- (gg) A youth camp cannot interfere with the exercise of legally established water rights on adjacent properties.
- (iii) The youth camp must be located on a lawful parcel that is:
 - (aa) 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 is 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.
 - (bb) Is at least 40 acres in size.
 - (cc) 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 must 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 is 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:
 - (A) The proposed setback will prevent conflicts with commercial resource management practices;
 - (B) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (C) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - (dd) 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 governing body or its designate must verify that a proposed youth camp will not result in the need for a sewer system.
- (iv) A youth camp may provide for the following facilities:

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- (aa) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses are not 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.
- (bb) Primary cooking and eating facilities must 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 are limited to the operation of the youth camp and provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
- (cc) Bathing and laundry facilities except that they cannot be provided in the same building as sleeping quarters.
- (dd) Up to three camp activity buildings, not including primary cooking and eating facilities.
- (ee) Sleeping quarters including cabins, tents, or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, cannot include kitchen facilities. Sleeping quarters can be provided only for youth camp participants and must not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
- (ff) Covered areas that are not fully enclosed.
- (gg) 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.
- (hh) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
- (ii) A caretaker's residence may be established in conjunction with a youth camp, if no other dwelling exists on the subject property.
- (v) A proposed youth camp must comply with the following fire safety requirements:

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- (aa) The fire siting standards in Section (6).
- (bb) A fire safety protection plan must be developed for each youth camp that includes the following:
 - (A) Fire prevention measures;
 - (B) On site pre-suppression and suppression measures; and
 - (C) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
- (cc) Except as determined under paragraph (3)(m)(v)(dd), a youth camp's on-site fire suppression capability must at least include:
 - (A) A 1000 gallon mobile water supply that can access all areas of the camp;
 - (B) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (C) A sufficient number of fire-fighting hand tools; and
 - (D) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
- (dd) An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability must 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 ODF and not served by a local structural fire protection provider.
- (ee) The provisions of paragraph (3)(m)(v)(dd) may be waived by the governing body, or its designate, 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.

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- (vi) The Director, or its designate, requires 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.
- (n) Storage structures for emergency supplies located west of the summit of the Coastal Range to serve communities and households located in tsunami inundation zones, as depicted on tsunami inundation maps prepared by Department of Geology and Mineral Industries (DOGAMI):
 - (i) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (ii) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI);
 - (iii) Sites where the structure could be co-located with an existing use approved under this section are given preference for consideration;
 - (iv) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (v) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (vi) Notice of application for proposed storage structures is provided according to LC Chapter 14 to Lane County Emergency Management.
 - (vii) As used in this section, "storage structures for emergency supplies" means structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- (o) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:
 - (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

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- (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.
- (p) For single-family dwellings, the landowner must sign and record in the deed records for the County 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.
- (q) For single-family dwellings, the approval is valid for four years from the date of approval, unless otherwise specified in the approval or by other provisions of Lane Code. Notwithstanding the requirements of LC Chapter 14, an application for a two year extension of the timelines for the permit approval can be made and approved pursuant to LC Chapter 14.
- (r) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.211(5)(a). For the purpose of LC 16.211(3)(r), the "same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(4) Conditional Use Review Criteria

A Conditional Use listed in Table 16.211-1 of this zone that references this section may be allowed provided the following requirements are satisfied. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for Use 2.6, Use 3.6, Use 3.10, Use 6.6, and Use 7.8.
- (d) For Use 4.3: the use will not significantly conflict with the existing uses on adjacent and nearby lands.

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(5) Siting Standards for Uses, Activities, and Structures

The following siting criteria apply to all new uses, activities, and structures allowed by LC 16.211. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The Director must consider the criteria in this section together with the requirements of Section (6) to identify the building site.

- (a) Residences, dwellings, and structures must be sited as follows:
 - (i) Near dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope greater than 40 percent (40%);
 - (ii) With minimal intrusion into forest areas undeveloped by non-forest uses;
 - (iii) Where possible, when considering LC 16.211(5)(a)(i) and (ii) and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and
 - (iv) The amount of forest lands used to site access roads, service corridors, and structures must be minimized.
- (b) Setbacks. Structures other than a fence or sign cannot 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.
 - (ii) 30 feet from all property lines other than those described in Section (5)(b)(i).
 - (iii) The minimum distance necessary to comply Sections (5)(a) and (6).
 - (iv) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards~~a riparian modification application~~ is approved in accordance with LC 16.253(~~63~~). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.

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- (c) Domestic Water Supplies. For new dwellings and non-farm structures on vacant land, evidence must 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 must 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(5)(c) above, evidence of domestic water supply means:
 - (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant must submit the well constructor's report to the Director upon completion of the well.
- (d) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant must provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (e) Approval of a dwelling is subject to the following requirements:
 - (i) Approval of a dwelling requires the owner of the tract to 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 must notify the County Assessor of the above condition at the time the dwelling is approved.
 - (iii) Stocking survey report:
 - (aa) If the lot or parcel is more than ten acres, the property owner must 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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- (bb) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, that department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.
- (f) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line;
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement; and
 - (iii) Signs are to be limited to 200 square feet in area.

(6) Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent apply to new residences, dwellings, manufactured dwellings, or structures allowed in Lane Code 16.211:

- (a) The dwelling must be located upon a parcel within a fire protection district or must be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant must provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the dwelling must comply with the following fire safety plan requirements:
 - (i) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (ii) If a water supply is required for fire protection, it must be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 - (iii) The applicant must provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use;

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- (iv) Road access must be provided to within 15 feet of the water's edge for firefighting pumping units. The road access must accommodate the turnaround of firefighting equipment during the fire season. Permanent signs must be posted along the access route to indicate the location of the emergency water source; and
 - (v) A 100-foot wide primary safety zone and a 100-foot wide secondary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures must be provided and maintained in perpetuity in compliance with the standards in (6)(c).
- (b) Fire Safety Design Standards for Roads and Driveways.
 - (i) 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 firefighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways must comply with the standards specified below. Evidence of compliance with the standards specified in (6)(b) should include objective information about the firefighting 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.
 - (ii) Road and Driveway Surfaces. Roads must 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 must 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 must have a vertical clearance of 13 feet 6 inches.
 - (iii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County must meet these standards for turnarounds. Dead-end roads must have turnarounds spaced at intervals of not more than 500 feet. Turnarounds must comply with these design and construction standards:

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- (aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) must 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 must be constructed to the standards for driveways in LC 16.211(6)(b)(i) above and must be marked and signed by the applicant as "NO PARKING." Such signs must 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 must 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 must be marked and signed by the applicant as "NO PARKING." Such signs must be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and
- (cc) No cul-de-sacs or hammerhead turnarounds must 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.
- (iv) Bridges and Culverts. Bridges and culverts must 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.
- (v) Road and Driveway Grades. Road and driveway grades cannot 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 firefighting equipment of the agency providing fire protection to access the use, firefighting equipment and water supply.
- (vi) Identification. Roads must be named and addressed in compliance with LC 15.305 through 15.335.

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- (vii) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet must 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.
- (viii) Modifications and Alternatives. The standards in (6)(b)(i) through (6)(b)(vii) 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 firefighting equipment from its point of origination to its point of destination.
- (c) Fuel-Free Breaks. The owners of dwellings and structures must maintain a primary safety zone surrounding all structures and clear and maintain a secondary safety zone on land surrounding the dwelling that is owned or controlled by the owner in compliance with these requirements.
 - (i) 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, unless otherwise specifically stated in LC 16.211. 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 must 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 must be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) must be placed next to the house.
 - (aa) As slope increases, the primary safety zone must increase away from the house, parallel to the slope and down the slope, as shown in the table and figure below:

Table 16.211-2 Minimum Primary Safety Zone

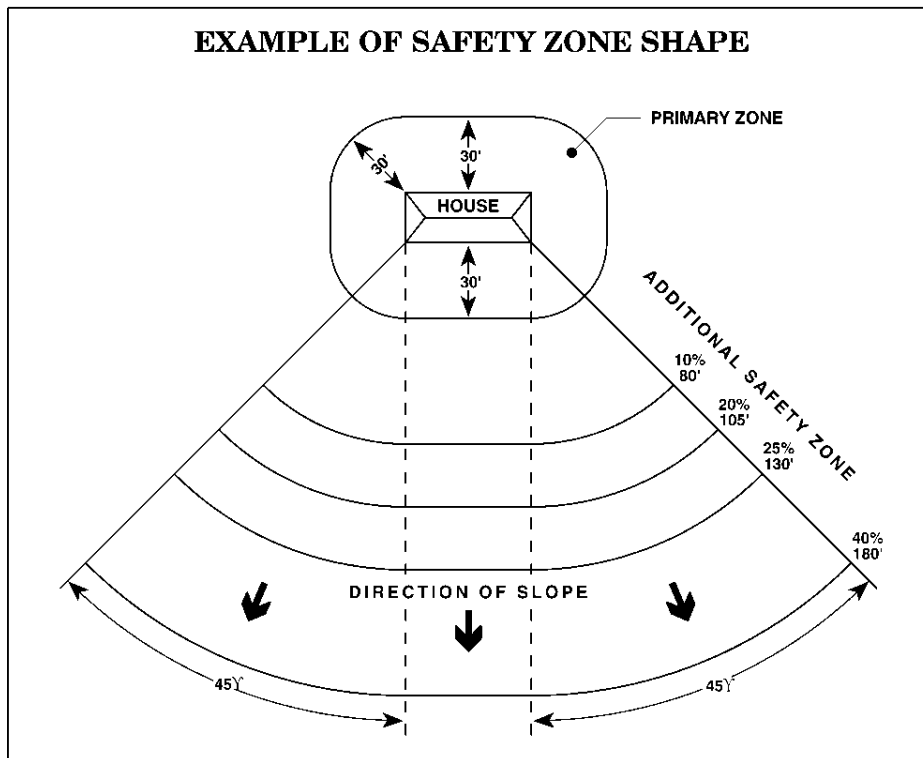
<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

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Figure 16.211-1



- (ii) **Secondary Safety Zone.** The secondary safety zone is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary safety zone 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 safety zone must be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees must be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels must be removed.

- (d) The dwelling must have a fire retardant roof.
- (e) Dwellings or manufactured dwellings must be sited at least 30 feet away from a ravine, ridge, or any slope greater than 40 percent slope.
- (f) If the dwelling has a chimney or chimneys, each chimney must have a spark arrester.

(7) Land Divisions

- (a) The minimum area requirement for the creation of new or adjusted lots or parcels for land designated as Impacted Forest Land (F-2) is 80 acres. The creation of a new or adjusted lot or parcel must comply with LC Chapter 13.

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- (b) New land divisions or adjustments less than the parcel size in Subsection (a) may be approved in accordance with LC Chapter 13 for any of the following circumstances:
 - (i) The following uses in Table 16.211-1 may be approved pursuant to the criteria in Section (4) and provided that the parcel created from the division is the minimum size necessary for the use:
 - (aa) Use 4.1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - (bb) Use 1.4. Log scaling and weigh stations
 - (cc) Use 3.7. Permanent facility for the primary processing of forest products.
 - (dd) Use 3.8. Permanent logging equipment repair and storage.
 - (ee) Use 4.3. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - (ff) Use 6.2. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - (gg) Use 6.3. Television, microwave and radio communication facilities and transmission towers.
 - (hh) Use 6.6. Reservoirs and water impoundments
 - (ii) Use 6.7. Commercial power generating facilities
 - (jj) Use 7.3. Aides to navigation and aviation
 - (kk) Use 7.4. Firearms training facilities
 - (ll) Use 7.5. Fire stations for rural fire protection
 - (mm) Use 7.6. Cemeteries.
 - (nn) Use 7.7. Public parks
 - (oo) Use 7.8. Private parks and campgrounds
 - (ii) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

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- (aa) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel cannot be larger than 10 acres; and
- (bb) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (A) Meets the minimum land division standards of the zone; or
 - (B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (cc) Restrictions
 - (A) An application for the creation of a parcel pursuant to paragraph (7)(b)(ii) or (iii) must provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction must prohibit dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (b).
 - (B) A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the 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.
- (iii) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (a). Approvals are based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (a) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - (aa) Are not eligible for siting of a new dwelling;
 - (bb) May not serve as the justification for the siting of a future dwelling on other lots or parcels;

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- (cc) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
- (dd) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - (A) Facilitate an exchange of lands involving a governmental agency; or
 - (B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (iv) To allow a division of a lot or parcel zoned for forest use if:
 - (aa) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (bb) Each dwelling complies with the criteria for a replacement dwelling under paragraph (3)(d)(ii);
 - (cc) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (dd) At least one dwelling is located on each parcel created under this paragraph; and
 - (ee) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland 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.
 - (ff) A lot or parcel may not be divided if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.

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- (v) 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 (aa) through (dd) below:
 - (aa) 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:
 - (A) 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;
 - (B) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705, based on the size and configuration of the parcel.
 - (bb) Before approving a proposed division of land under this section, the Planning Director must 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:
 - (A) 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
 - (B) 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.
 - (cc) If a proposed division of land under (7)(b)(v) 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.
 - (dd) The Planning Director is required to maintain a record of lots and parcels that do not qualify for development of the property under restrictions imposed by (7)(b)(v)(aa)(B) above. The record must be readily available to the public.

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- (vi) A division of a lawfully established unit of land may occur along an acknowledged urban growth boundary where the parcel remaining outside the urban growth boundary is zoned as F-2 and is smaller than 80 acres, provided that:
 - (aa) If the parcel contains a dwelling, it must be large enough to support continued residential use.
 - (bb) If the parcel does not contain a dwelling, the parcel:
 - (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (B) May not be considered in approving or denying an application for siting any other dwelling; and
 - (C) May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use.
- (c) A landowner allowed a land division under Subsection (b) must record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (d) The Director or hearing authority may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(8) Telecommunication Facilities

Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and applicable requirements elsewhere in LC Chapter 16. (*Revised by Ordinance: 20-06, Effective: 6.16.20*)

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ARE RESERVED FOR FUTURE EXPANSION

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EXCLUSIVE FARM USE ZONE (EFU-RCP)

RURAL COMPREHENSIVE PLAN

EFU Zone Table of Contents

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16.212 Exclusive Farm Use Zone (EFU-RCP)

(1) Purpose

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The EFU zone has been applied to lands designated as Agriculture in the Rural Comprehensive Plan. The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

(2) Definitions

For the purpose of LC 16.212, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- (a) Agri-tourism. "Agri-tourism" means a common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals..
- (b) Associated Transmission Lines. "Associated transmission lines" means transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.
- (c) Farm Operation. "Farm Operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use as defined in ORS 215.203.
- (d) Farm Operator. "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.

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- (e) Golf course. 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" for purposes of LC 16.212 means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
 - (i) 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;
 - (ii) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
 - (iii) Non-regulation golf courses are not allowed. "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 three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
- (f) High Value Farmland. "High value farmland" means land in a tract composed predominantly of soils that are:
 - (i) Irrigated and classified prime, unique, Class I or II; or
 - (ii) Not irrigated and classified prime, unique, Class I or II.
 - (iii) In addition to that land described in (2)(f)(i) and (2)(f)(ii) above, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa;
 - (iv) 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 (2)(f)(i) and (2)(f)(ii) and the following soils:

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- (aa) Subclassification IIle, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hultt, 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.
- (v) In addition to that land described in (2)(f)(i) and (2)(f)(ii) 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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
- (aa) Subclassification IIle, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
 - (bb) Subclassification IIIw, specifically, Brenner and Chitwood;
 - (cc) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
 - (dd) Subclassification IVw, specifically, Coquille.
- (vi) In addition to that land described in (2)(f)(i) and (2)(f)(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 (2)(f)(i) and (2)(f)(ii) above and the following soils:
- (aa) Subclassification IIIw, specifically, Ettersburg Silt Loam and Croftland Silty Clay Loam;

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- (bb) Subclassification IIle, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and
 - (cc) Subclassification IVw, specifically, Huffling Silty Clay Loam.
- (vii) 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.”
- (g) Net Metering Power Facility. “Net metering power facility” means a facility for the production of energy that:
 - (i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.213(1)(u) in the Exclusive Farm Use zone;
 - (ii) Is intended to offset part of the customer-generator’s requirements for energy;
 - (iii) Will operate in parallel with a utility’s existing transmission and distribution facilities;
 - (iv) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations; and
 - (v) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (h) Non-Commercial/Stand Alone Power Generating Facility. “Non-commercial/stand-alone power generating facility” means a facility for the production of energy that:
 - (i) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and ORS 215.213(1)(u) in the Exclusive Farm Use zone;

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- (ii) Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
- (iii) Operates as a standalone power generator not connected to a utility grid; and
- (iv) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (i) Relative. A child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew, or first cousin of the farm operator or the farm operator's spouse.

(3) Use Table

Table of Permitted Uses

Table 16.212-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the farm districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.212-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.212-1:

- (a) Uses:
 - (i) "A" means the use is outright allowed or permitted subject to standards.
 - (ii) "C" means the use is a Conditional Use, subject to Section (5)
 - (iii) "X" means use is not allowed.
 - (iv) "HV" means when a property is predominately composed of High Value Soils, as defined in LC 16.212(2)(f).
 - (v) "Non-HV" means when a property is predominately composed of Non-High Value Soils, as defined in LC 16.212(2)(f).
- (b) Procedures:

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- (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
- (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
- (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
- (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (v) “AL” means Assembly License, subject to LC 3.995.
- (vi) “X” means no new use is allowed.
- (c) The “Subject To” column identifies any specific provisions of LC 16.212 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.212(15).
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4). “...discretionary approval of a proposed development of land...” An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.212-1: Use Table for EFU Zones

I = Type I II = Type II III = Type III

P = Permitted Outright AL = Assembly License X = Prohibited

Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.	Farm, Forest, and Natural Resource Uses					
1.1.	Farm use	A	P	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	A	P	

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
1.3.	Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract	A	P	A	P	
1.4.	Nonresidential buildings customarily provided in conjunction with farm use	A	P	A	P	
1.5.	Creation of, restoration of, or enhancement of wetlands	A	P	A	P	
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products as defined in ORS 603.038 within a calendar year	A	I	A	I	(4)(a)
1.7.	A facility for the primary processing of forest products	A	II	A	II	(4)(b), (5)
1.8.	The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species	C	II	C	II	(4)(c), (5)
1.9.	Marijuana production	A	I	A	I	LC 16.420
1.10.	Marijuana wholesale distribution	A	I	A	I	LC 16.420
1.11.	Marijuana research	A	I	A	I	LC 16.420
1.12.	Marijuana processing	A	II	A	II	(4)(a), LC 16.420

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
2.	Residential Uses					
2.1.	Primary farm dwelling	A	II	A	II	(4)(y), (7)
2.2.	Woodlot operation dwelling	X	X	C	II	(4)(y), (7)(g) (7)(h), (5)
2.3.	Relative farm help dwelling	A	II	A	II	(4)(y), (8)(b)
2.4.	Accessory farm dwelling for year-round and seasonal farm workers	A	II	A	II	(4)(y), (8)(a)(a)
2.5.	Non-farm dwelling on High Value Farmland	A	II	X	X	(4)(y), (9)
2.6.	Non-farm dwelling on Non-high Value Farmland	X	X	A	II	(4)(y), (10)
2.7.	Alteration, restoration, or replacement of a lawfully established dwelling	A	I or II	A	I or II	(4)(y), (4)(bb), (6)(a)-(d)
2.8.	Replacement dwelling for historic property	A	II	A	II	(4)(y), (6)(e)
2.9.	Temporary hardship dwelling	C	II	C	II	(4)(y), (5), (8)(c)
2.10.	Residential home as defined in ORS 197.660, in existing dwellings	C	II	C	II	(4)(y), (5)
2.11.	Room and board arrangements for a maximum of five unrelated persons in existing residences	C	II	C	II	(4)(z), (5)

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
3.	Commercial Uses					
3.1.	Dog training classes or testing trials	A	I	A	I	(4)(d)
3.2.	Farm stand	A	I	A	I	(4)(e)
3.3.	Small Winery or Cider Business	A	I or II	A	I or II	(11)(a)
3.4.	Large Winery	A or C	I or II	A or C	I or II	(11)(b)
3.5.	Agri-tourism and other commercial events or activities that are related to and supportive of agriculture	A	II	A	II	(12)
3.6.	Parking of up to seven log trucks	C	II	C	II	(5)
3.7.	Home occupations	C	II	C	II	(4)(f), (5)
3.8.	Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Use 3.1	C	II	C	II	(5)
3.9.	A landscape contracting 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	C	II	C	II	(5)
3.10.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Use 1.7, but excluding activities in conjunction with a marijuana crop	C	II	C	II	(4)(aa), (5)
4.	Mineral, Aggregate, Oil and Gas Uses					

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
4.1.	Operations for the exploration for and production of geothermal resources in accordance with 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 well head	A	P	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted	C	II	C	II	(5)
4.4.	Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources	C	II	C	II	(4)(h), (5)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	II	C	II	(4)(g), (5)
4.6.	Processing of other mineral resources and other subsurface resources	C	II	C	II	(5)
5.	Transportation Uses					
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	A	P	

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	A	P	
5.4.	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	A	P	A	P	
5.5.	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	A	P	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	A	P	
5.7.	Changes in the frequency of transit, rail and airport services	A	P	A	P	

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	C	II	C	II	(5)
5.10.	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	C	II	C	II	(5)
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	C	II	(5)
5.12.	Park and ride lots	C	II	C	II	(5)
5.13.	Railroad mainlines and branch lines	C	II	C	II	(5)
5.14.	Pipelines	C	II	C	II	(5)
5.15.	Navigation channels	C	II	C	II	(5)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	C	II	(4)(i), (5)
5.17.	Replacement of an intersection with an interchange	C	II	C	II	(4)(i), (5)
5.18.	Continuous median turn lanes	C	II	C	II	(4)(i), (5)

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
5.19.	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	C	II	C	II	(4)(i), (5)
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	C	II	(4)(i), (5)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	C	II	C	II	(4)(j), (5)
6.	Utility/Solid Waste Disposal Facilities					
6.1.	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505	A	P	A	P	
6.2.	Land application of reclaimed water, agricultural or industrial process water or bio solids, or the onsite treatment of septage prior to land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with use allowed by LC 16.212	A	II	A	II	(4)(k)
6.3.	Utility facility service lines	A	I	A	I	(4)(l)

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Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.4.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	II	A	II	(4)(m)
6.5.	Transmission towers over 200 feet in height	C	II	C	II	(5)
6.6.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	C	II	(13)(a), (5)
6.7.	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(b), (5)
6.8.	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C	II	C	II	(13)(c), (5)
6.9.	A site for the disposal of solid waste 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 not on high value farmland	X*	X*	C	II	(5); or *(4)(z)
6.10.	Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060	X*	X*	C	II	(4)(n), (5); or *(4)(n)(ii), (4)(z)
6.11.	Change out to an existing telecommunication tower	P	I	P	I	(16)

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
	Use	Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
6.12.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	P	I	P	I	FCC 14-153
6.13.	Collocation to an existing telecommunication tower	A	II	A	II	(16)
6.14.	New telecommunication tower or replacement tower not over 200 feet in height	C	III	C	III	(4)(m)(i), (5), (16)
7.	Parks/Public/Quasi-public Uses					
7.1.	Firearms training facility in existence on September 9, 1995	A	II	A	II	(4)(o), (4)(x)
7.2.	Fire service facilities providing rural fire protection services	A	P	A	P	
7.3.	Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306	A	P	A	P	
7.4.	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary	A	I	A	I	(4)(p)
7.5.	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306	C	II	C	II	(5)
7.6.	Living history museum	C	II	C	II	(4)(q), (4)(x), (5)
7.7.	Armed Forces Reserve Center	A	II	A	II	(4)(r), (4)(x)

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.8.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	C	II	C	II	(4)(x), (5)
7.9.	Public parks, public playgrounds, and public campgrounds	C	II	C	II	(4)(s), (4)(x), (5)
7.10.	Operations for the extraction and bottling of water	C	II	C	II	(5)
7.11.	Churches and cemeteries in conjunction with ORS 215.441	X*	X*	A	II	(4)(x); or *(4)(x), (4)(z)
7.12.	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school	X*	X*	C	II	(4)(t), (4)(x) , (5); or *(4)(x) , (4)(z) or *(4)(t), (4)(x) , (5)
7.13.	Private parks, private playgrounds, and private campgrounds	X*	X*	C	II	(4)(u), (4)(x), 0; or *(4)(x), (4)(z)

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Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
7.14.	Private Hunting and Fishing Preserves	X*	X*	C	II	(4)(u), (4)(x), (5); or *(4)(x), (4)(z)
7.15.	Golf courses not on high-value farmland as defined in LC 16.212(2)(d) and ORS 195.300	X*	X*	C	II	0, (4)(x), (5);or *(4)(x) , (4)(z)
8.	Outdoor Gatherings					
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	C	III (LCPC)	(4)(w)
9.	Accessory Uses					

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Table 16.212-1: Use Table for EFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited						
Use		Use Type HV	Local Procedure Type HV	Use Type Non-HV	Local Procedure Type Non-HV	Subject to
9.1.	Uses and structures accessory to existing uses and development permitted by LC 16.212	A	P or II	A	P or II	(4)(bb)

(4) Use Standards

- (a) A farm processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:
 - (i) The farm on which the farm processing facility is located must provide at least one-quarter of the farm crops processed at the facility. This provision does not apply to a poultry establishment.
 - (ii) If a building is established or used for the farm processing facility or poultry establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A farm processing facility or poultry establishment must comply with all applicable siting standards, but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
 - (iv) A division of a lot or parcel or a property line adjustment that separates a farm processing facility or poultry establishment from the farm operation on which it is located is prohibited.

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- (b) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.
- (c) Insect species shall not include any species under quarantine by the Oregon Department of Agriculture or the United States Department of Agriculture. The Director shall provide notice of all applications under this section to the Oregon Department of Agriculture. Referral notice pursuant to LC Chapter 14 must be provided at least 20 calendar days prior to a decision or initial public hearing on the application.
- (d) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
 - (i) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 - (ii) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
- (e) A farm stand may be approved 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 percent of the total annual sales of the farm stand; 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 and livestock and does not include structures for banquets, public gatherings or public entertainment.

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- (iii) As used in this Section, "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.
- (iv) As used in this Section, "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.
- (v) As used in this Section, "local agricultural area" includes Oregon.
- (vi) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
- (vii) Farm Stand Development Standards
 - (aa) Adequate off-street parking will be provided pursuant to provisions of LC 16.250.
 - (bb) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - (cc) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 - (dd) No farm stand building or parking is permitted within the right-of-way.
 - (ee) Approval is required from the Road Authority regarding adequate egress and access. All egress and access points shall be clearly marked.
 - (ff) Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within "vision clearance areas" at street intersections.
 - (A) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.

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- (B) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.
 - (C) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.
 - (gg) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
 - (hh) Signs are permitted consistent with LC 16.212(15)(b)(iii).
 - (viii) Permit approval is subject to compliance with Lane County Environmental Health or Department of Agriculture requirements and with the development standards of this zone.
- (f) A home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;
 - (iv) Not unreasonably interfere with other uses permitted in LC 16.212;
 - (v) Comply with sanitation and building requirements prior to start of Home Occupation; and
 - (vi) Not to be used as a justification for a zone change.
- (g) New facilities 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.
- (h) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:

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- (i) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.
 - (ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.
- (i) Transportation facilities and uses 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.
- (j) 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.

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- (k) Land application of reclaimed water, agricultural process or industrial process water or bio solids, or the onsite treatment of septage prior to the land application of bio solids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the EFU zone is 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 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this paragraph, onsite treatment of septage prior to the land application of bio solids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of bio solids is authorized under the license, permit or other approval.
- (l) Utility facility service lines 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.
- (m) A utility facility that is necessary for public service.
 - (i) A utility facility is necessary for public service if the facility must be sited in the Exclusive Farm Use zone in order to provide the service.
 - (aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the Exclusive Farm Use zone due to one or more of the following factors:
 - (A) Technical and engineering feasibility;
 - (B) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned Exclusive Farm Use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

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- (C) Lack of available urban and nonresource lands;
 - (D) Availability of existing rights of way;
 - (E) Public health and safety; and
 - (F) Other requirements of state and federal agencies.
- (bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- (cc) The owner of a utility facility approved under Section (4)(n)(i) 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 this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- (dd) The County 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- (ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under Table 16.212-1 uses 7.13 or 7.14, or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (5) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request, subject to a Type II review process, shall have no effect on the original approval.

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- (ff) In addition to the provisions of Subsection (4)(m)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of OAR 660-011-0060.
- (gg) Notwithstanding Subsection (4)(m)(i)(aa) through (dd) above, a utility facility that is a telecommunication facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (hh) The provisions of Subsection (4)(m)(i)(aa) through (dd) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- (ii) In addition to the requirements in LC 16.212(4)(m)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(c), to be located on high value farmland shall comply with the requirements of (4)(m)(iii) below.
- (ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Section (4)(m)(ii)(aa) or Section (4)(m)(ii)(bb).
 - (aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - (A) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - (B) The associated transmission line is co-located with an existing transmission line;
 - (C) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - (D) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.

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- (bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (4)(m)(ii)(cc) and (dd), two or more of the following criteria:
 - (A) Technical and engineering feasibility;
 - (B) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (C) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - (D) Public health and safety; or
 - (E) Other requirements of state or federal agencies.
- (cc) As pertains to Section (4)(m)(ii)(bb), the applicant shall demonstrate how the proposal will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
- (dd) The County may consider costs associated with any of the factors listed in Section (4)(m)(ii)(bb), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- (ee) In addition to the requirements in LC 16.212(4)(m)(i)(aa) or (bb) above, a utility facility that is an associated transmission line, as defined by ORS 215.274, to be located on high value farmland shall comply with the requirements of section (4)(m)(iii) below.

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- (iii) The utility provider shall, after the route is approved by the siting authorities and before construction of the transmission line begins, consult the record owner of high-value farmland in the planned route for the purpose of locating and constructing the transmission line in a manner that minimizes the impact on farming operations on high-value farmland. If the record owner does not respond within two weeks after the first documented effort to consult the record owner, the utility provider shall notify the record owner by certified mail of the opportunity to consult. If the record owner does not respond within two weeks after the certified mail is sent, the utility provider has satisfied the provider's obligation to consult.
- (n) Composting operations and facilities:
 - (i) Composting operations and facilities allowed on land not defined as high-value farmland must meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050, 340-096-0060, and ORS 215.401. Buildings and facilities used in conjunction with the composting operation must 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. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection (4)(z).
 - (aa) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:
 - (A) Meets the requirements of OAR 340-096-0150;
 - (B) Identifies the distance of the proposed operation to the nearest residential zone;
 - (C) Includes a complaint response protocol;
 - (D) Is submitted to the DEQ with the required permit application; and
 - (E) May be subject to annual review by the county to determine if any revisions are necessary.
 - (bb) Compost operations subject to Section (4)(n)(i)(aa) include:

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- (A) A new disposal site for composting that sells, or offers for sale, resulting product; or
 - (B) An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - (C) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
 - (D) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- (ii) Composting operations and facilities allowed on high-value farmland are limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.
- (o) A firearms training facility in existence on September 9, 1995 shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.
 - (i) For the purpose of this Section (o), a 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;

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- (p) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- (q) A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local 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. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65. A "living history museum" is defined as a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- (r) Armed forces reserve center that complies with these requirements:
 - (i) The center is within one-half mile of a community college; and
 - (ii) An "armed forces reserve center" includes an armory or National Guard support facility.
- (s) Public parks include:
 - (i) Only uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable; and
 - (ii) May be established consistently with ORS 195.120
- (t) Schools are subject to the following:

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- (i) Schools as formerly allowed pursuant to ORS 215.213 that were established on or before January 1, 2009 may be expanded if the expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
 - (ii) Are used primarily for residents of the rural area in which the school is located.
- (u) Private Campgrounds are subject to the following:
 - (i) Except on a lot or parcel contiguous to a lake or reservoir, private 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 chapter 660, division 4.
 - (ii) 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.
 - (iii) Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - (iv) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - (v) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (vi).
 - (vi) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- (v) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

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- (i) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. 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; or housing;
- (ii) Accessory uses 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., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
- (iii) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
- (iv) An existing golf course may be expanded consistent with the requirements of Section (5), but shall not be expanded to contain more than 36 total holes.
- (w) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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

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- (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.
- (x) Three-mile setback. For uses subject to this Subsection:
 - (i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - (ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.
 - (iii) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this Chapter.
- (y) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the County 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.
- (z) Expansion standards. Existing facilities wholly within the Exclusive Farm Use Zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.
- (aa) Commercial activities in conjunction with farm use may be approved when the commercial activity:
 - (i) Is either exclusively or primarily a customer or supplier of farm uses.
 - (ii) Is limited to providing products and services essential to the practice of agriculture directly to surrounding agricultural businesses that are sufficiently important to justify the resulting loss of agricultural land.
 - (iii) Enhances the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates.

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- (bb) If the proposed structure is located on the same site as the existing dwelling, the application is exempt from LC 16.212(15)(a). For the purpose of LC 16.212(4)(bb), the “same site” is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling.

(5) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.212-1 of this Chapter must demonstrate compliance with the following criteria.

- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(6) Alteration, Restoration or Replacement of a Lawfully-Established Dwelling

- (a) A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the approval authority finds to its satisfaction, based on substantial evidence that:
 - (i) The dwelling to be altered, restored or replaced has, or formerly had:
 - (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.
 - (ii) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for:
 - (aa) The previous five property tax years; or
 - (bb) If the dwelling was constructed within the last five years, the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.

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- (cc) Notwithstanding (ii)(aa) and (bb) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
 - (A) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - (B) The applicant establishes to the satisfaction of the approval authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
- (b) For replacement of a lawfully established dwelling under this section:
 - (i) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 - (aa) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - (bb) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 - (cc) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
 - (ii) The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished, or converted.

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- (iii) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the Planning Director, or the Director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.213 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- (c) A 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. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - (i) The siting standards of Subsection (6)(c)(ii) apply when a dwelling qualifies for replacement because the dwelling:
 - (aa) Formerly had the features described in Subsection (6)(a)(i); or
 - (bb) Was removed from the tax roll as described in Subsection(6)(a)(iii).
 - (ii) The replacement dwelling must be sited on the same lot or parcel:
 - (aa) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 - (bb) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 - (iii) Replacement dwellings that currently have the features described in Subsection (6)(a)(i) and that have been on the tax roll as described in Subsection (6)(a)(ii)(cc) may be sited on any part of the same lot or parcel.
- (d) A replacement dwelling permit that is issued under Use 2.7:
 - (i) Is a land use decision and subject to review using Type II procedure according to LC Chapter 14 where the dwelling to be replaced:

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- (aa) Formerly had the features described in Subsection (6)(a)(i); or
 - (bb) Was removed from the tax roll as described in Subsection (6)(a)(ii)(cc);
- (ii) Is not subject to the time to act limits of LC 14.090 and does not expire; and
- (e) A replacement dwelling for a historic dwelling permit reviewed under Use 2.8 is subject to the following requirements:
 - (i) The replacement dwelling must be in conjunction with a farm use.
 - (ii) The existing dwelling is listed on the county and national inventory as historic property as defined in ORS 358.480.

(7) Dwellings Customarily Provided in Conjunction with Farm Use

- (a) Large Tract Standards. On land not identified as high-value farmland as defined in LC 16.212(2), a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The parcel on which the dwelling will be located is at least 160 acres.
 - (ii) The subject tract is currently employed for farm use.
 - (iii) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - (iv) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
- (b) Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned \$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 farms products and:

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- (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;
 - (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(b)(i); and
 - (iv) In determining the gross income required by Section (7)(b)(i):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (bb) Only gross income from land owned, not leased or rented, shall be counted; and
 - (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 - (v) The lot or parcel is not smaller than the minimum lot size of the zone.
- (c) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
 - (ii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
 - (iii) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Section (7)(c)(i);
 - (iv) In determining the gross income required by Section (7)(c)(i):
 - (aa) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (bb) Only gross income from land owned, not leased or rented, shall be counted; and

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- (cc) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 - (v) The lot or parcel is not smaller than the minimum lot size of the zone.
- (d) Additional Farm Income Standards.
 - (i) For the purpose of Sections (7)(b) or (7)(c), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.
 - (ii) Prior to the final approval for a dwelling authorized by Sections (7)(b) and (7)(c) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the County clerk the covenants, conditions, and restrictions form provided by the County (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
 - (aa) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - (bb) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary 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.
- (e) Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Sections (7)(b) or (7)(c) above, subject to the following requirements:
 - (i) The subject tract will be employed as a commercial dairy as defined in Subsection (vii);

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- (ii) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
- (iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
- (iv) 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 to the operation of the commercial dairy farm;
- (v) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
- (vi) The Oregon Department of Agriculture has approved the following:
 - (aa) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (bb) A Producer License for the sale of dairy products under ORS 621.072.
- (vii) As used in this Section, "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 Subsections (7)(b) or (7)(c), whichever is applicable, from the sale of fluid milk.
- (f) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
 - (i) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (7)(b) or (7)(c), whichever is applicable;
 - (ii) The subject lot or parcel on which the dwelling will be located is:
 - (aa) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (7)(b) or (7)(c), whichever is applicable; and

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- (bb) The lot or parcel is not smaller than the minimum lot size of the zone.
- (iii) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
- (iv) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (7)(f)(i); and
- (v) In determining the gross income required by Subsection (7)(f)(i) and Subsection (7)(f)(ii):
 - (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.
- (g) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling under Section (7).
- (h) Woodlot Operation Dwelling
 - (i) 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:
 - (aa) If the farm operation or woodlot:
 - (A) Consists of 20 or more acres; and
 - (B) 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;
 - (bb) The dwelling is located on land not identified as high-value farmland.
 - (ii) 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

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operation or woodlot smaller than required under (i) above is allowed subject to compliance with the following requirements:

- (aa) If the farm operation or woodlot:
 - (A) 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
 - (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income;
- (bb) The dwelling is located on land not identified as high-value farmland.

(8) Accessory Dwellings

- (a) Accessory farm dwelling for year-round and seasonal farm workers.
 - (i) Accessory dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
 - (aa) 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;
 - (bb) The accessory farm dwelling will be located:
 - (A) On the same lot or parcel as the primary farm dwelling;
 - (B) 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;

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- (C) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk 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 reapproved under these provisions;
- (D) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The County shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278, meaning housing limited to occupancy by farmworkers and their immediate families and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing; or
- (E) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in Lane Code 16.212(7)(b) or (c), whichever is applicable; and
- (cc) 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.
- (ii) In addition to the requirements in Subsection (i), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

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- (aa) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - (A) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - (B) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
- (bb) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
- (cc) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or woodlot that meets the standards of LC 16.212(7)(h); or
- (dd) It is located on a commercial dairy farm as defined in Section (7)(e)(vii); 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;
 - (B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

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- (C) A Producer License for the sale of dairy products under ORS 621.072.
- (iii) No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this Chapter, a parcel may be created consistent with the minimum parcel size requirements in Subsection (14)(a).
 - (iv) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to uses 2.5 or 2.6 in Table 16.212-1 of this Chapter.
 - (v) For purposes of this Subsection, "accessory dwelling" includes all types of residential structures allowed by the applicable state building code.
 - (vi) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria of an accessory farm dwelling.
- (b) To qualify for a relative farm help dwelling:
- (i) A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 - (ii) A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.
- (c) A temporary hardship dwelling is subject to the following:
- (i) One manufactured dwelling, or one recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

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- (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - (bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and
 - (cc) Within 90 days of the end of the hardship, the manufactured dwelling or recreational vehicle must be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.
- (ii) A temporary residence approved under this Section is not eligible for replacement under Section (6). Department of Environmental Quality review and removal requirements also apply.
 - (iii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

(9) Dwellings Not in Conjunction with Farm Use on High Value Farmland

Non-farm dwelling. A non-farm dwelling on High Value Farmland is subject to the following requirements:

- (a) 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) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (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 16.090;

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- (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 cumulative 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 subject 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 Use 2.5 or 2.6 in Table 16.212-1 of this Chapter, 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 divided to create new parcels for non-farm dwellings under Sections (14)(e). 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 ;

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- (cc) Determine whether the approval of the proposed non-farm dwellings together with existing 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 Section (9)(a) 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 may be made and approved pursuant to LC 14.700(2).
- (b) 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) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) The following are satisfied:
 - (aa) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, in the case of an existing 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

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- (bb) 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
- (cc) 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 subsections (9)(a)(iv)(aa) through (cc);
- (iv) The dwelling complies with such other conditions as the approval authority considers necessary; and
- (v) Land use approval of a permit described in (9)(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 may be made and approved pursuant to LC 14.700(2).

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(10) Dwellings Not in Conjunction with Farm Use on Non-High Value Farmland.

Non-farm dwelling. A non-farm dwelling on Non-high Value Farmland is subject to the following requirements:

- (a) A dwelling not provided in conjunction with farm use may be established on a lot or parcel, subject to compliance with the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (ii) 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; and
 - (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 reasonably be put to farm use in conjunction with other land.
- (b) The dwelling shall comply with such other conditions as the approval authority considers necessary. A dwelling not provided in conjunction with a farm use, on a lot or parcel that is not larger than three acres is subject to the following requirements:
 - (i) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (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 16.090. For the purpose of this Section, only one lot or parcel exists if:
 - (aa) The lot or parcel is contiguous to one or more lots or parcels described in this Section.

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- (A) "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."
- (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; and
- (iv) Notice of application shall occur in compliance with LC Chapter 14.
- (c) Land use approval of a permit described in Section (10)(a) or (10)(b) 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 this Section may be made and approved pursuant to LC 14.700(2).
- (d) No final approval of a nonfarm use under this section will be given unless any additional taxes imposed upon the change in use have been paid.
- (e) The dwelling must comply with other conditions considered necessary by the approval authority.

(11) Wineries and Cider Businesses

- (a) Small Wineries and Cider Businesses. Small wineries and cider business and their accessory uses are subject to the Type I procedure unless otherwise specified in this section. Small winery and cider businesses are separate uses to which distinct criteria and permitted uses apply and must not be used interchangeably.
 - (i) A small winery or cider business may be established as a permitted use if the proposed winery or cider business will produce wine or cider, respectively, on-site with a maximum annual production of:
 - (aa) Less than 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery or cider business:
 - (A) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres;
 - (B) Owns a contiguous vineyard for a winery or orchard for a cider business of at least 15 acres;

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- (C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 15 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business; or
 - (D) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), or (C); or
- (bb) At least 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the winery:
 - (A) Owns an on-site vineyard for a winery or orchard for a cider business of at least 40 acres;
 - (B) Owns a contiguous vineyard for a winery or orchard for a cider business of at least 40 acres;
 - (C) Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 40 acres of a vineyard contiguous to the winery or of an orchard contiguous to the cider business;
 - (D) Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards for a winery or orchards for a cider business in Oregon that are located within 15 miles of the winery or cider business site; or
 - (E) Obtains grapes for a winery or apples or pears for a cider business from any combination of Subsection (A), (B), (C) or (D).
- (ii) In addition to producing and distributing wine by a winery or cider by a cider business, a small winery or cider business established under this Section may:
 - (aa) Market and sell wine produced in conjunction with the winery or cider produced in conjunction with the cider business.

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- (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, including:
 - (A) Wine or cider tastings in a tasting room or other location on the premises occupied by the winery for wine tastings or cider business for cider tastings;
 - (B) Wine for winery or cider for cider business club activities;
 - (C) Winemaker for winery or cidemaker for cider business luncheons and dinners;
 - (D) Winery and vineyard tours or cider business and orchard tours;
 - (E) Meetings or business activities with winery or cider business suppliers, distributors, wholesale customers and wine or cider industry members;
 - (F) Winery or cider business staff activities;
 - (G) Open house promotions of wine produced in conjunction with the winery or cider produced in conjunction with the cider business; and
 - (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or cider produced in conjunction with the cider business.
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of wine for a winery or cider for a cider business, including food and beverages:
 - (A) Required to be made available in conjunction with the consumption of wine or cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(a)(ii)(bb) or (a)(ii)(dd), or (a)(v).

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- (dd) Host charitable activities for which the winery or cider business does not charge a facility rental fee.
- (iii) A winery or cider business may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection (11)(a)(ii)(cc). Food and beverage services authorized under Subsection (11)(a)(ii)(cc) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- (iv) The gross income of the winery or cider business from the sale of incidental items or services provided pursuant to Subsection (11)(a)(ii)(cc) to (dd) and (11)(a)(v) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery or cider produced in conjunction with the cider business. The gross income of a winery or cider business does not include income received by third parties unaffiliated with the winery or cider business. At the request of the County, the winery or cider business shall submit a written statement that is prepared by a certified public accountant and certifies the compliance of the winery or cider business with this Subsection for the previous tax year.
- (v) A winery or cider business may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery, pursuant to Subsection (aa) or (bb) below:
 - (aa) The events on days one (1) through six (6) of the 18-day limit per calendar year must be authorized by the approval authority through the issuance of a renewable multi-year Winery or Cider Business License that:
 - (A) Is reviewed through a Type I procedure to determine necessary conditions pursuant to Section (11)(a)(vi) below;
 - (B) Has a term of five years;
 - (C) If the County issues a license under this subsection, the County must review the license at least once every five years and, if appropriate, renew the license; and
 - (D) Complies with requirements of Section (11)(a)(vi) below.

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- (E) This license is not a land use decision as defined in ORS 197.015 or permit pursuant to ORS 215.402, and is not subject to review by the Land Use Board of Appeals.
- (bb) Events on days seven (7) through 18 of the 18-day limit per calendar year must be authorized by the County through the issuance of a renewable multi-year permit that:
 - (A) Is subject to a Type II procedure and must be reviewed to determine necessary conditions pursuant to Section (11)(a)(vi);
 - (B) Has a term of five years;
 - (C) If the Director issues a permit under this subsection, the Director must review the permit at least once every five years and, if appropriate, may renew the permit; and
 - (D) Complies with requirements of Section (11)(a)(vi) below.
- (vi) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by a winery or cider business are subordinate to the production and sale of wine at a winery or cider at a cider business and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions on a permit related to:
 - (aa) The number of event attendees;
 - (bb) The hours of event operation;
 - (cc) Access and parking;
 - (dd) Traffic management;
 - (ee) Noise management; and
 - (ff) Sanitation and solid waste;
- (vii) A winery or cider business operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established or cider business is situated.

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- (viii) Prior to the issuance of a permit to establish a winery or cider business under Section (11)(a), the applicant shall show that vineyards for a winery or orchard for a cider business described in Section (11)(a) have been planted or that the contract has been executed, as applicable.
 - (ix) For the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands, the winery or cider business must:
 - (aa) Establish a setback of at least 100 feet from all property lines for the winery or cider business and all public gathering places, unless the Director grants a variance allowing a setback of less than 100 feet; and
 - (bb) Provide direct road access and internal circulation for the winery or cider business and other on-site public gathering places
- (b) Large Wineries. Large wineries and their accessory uses are subject to the Type I procedure unless otherwise specified in this section.
 - (i) A large winery may be established if:
 - (aa) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - (bb) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection (11)(b)(i)(aa); and
 - (cc) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.
 - (ii) In addition to producing and distributing wine, a winery described in Subsection (11)(b)(i) may:
 - (aa) Market and sell wine produced in conjunction with the winery;
 - (bb) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:

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- (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;
- (B) Wine club activities;
- (C) Winemaker luncheons and dinners;
- (D) Winery and vineyard tours;
- (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
- (F) Winery staff activities;
- (G) Open house promotions of wine produced in conjunction with the winery; and
- (H) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
- (cc) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
 - (A) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (B) Served in conjunction with an activity authorized by Subsection (11)(b)(ii)(bb), (dd), or (ee);
- (dd) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
 - (A) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - (B) Are incidental to the retail sale of wine on-site; and
 - (C) Are limited to 25 days or fewer in a calendar year; and

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- (ee) Host charitable activities for which the winery does not charge a facility rental fee.
- (iii) Income requirements:
 - (aa) The gross income of the winery from the sale of incidental items pursuant to Subsection (11)(b)(ii)(cc) and services provided pursuant to Subsection (11)(b)(ii)(dd) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
 - (bb) At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant that certifies compliance with Subsection (aa) for the previous tax year.
- (iv) A winery operating under Subsection (11)(b):
 - (aa) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
 - (bb) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.
- (v) A winery shall be required to obtain a Type II permit when:
 - (aa) The winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection (11)(b)(ii)(dd) occurring on more than 25 days in a calendar year.
 - (bb) In addition to any other requirements, a local government may approve a permit application under this Subsection if the approval authority finds that the authorized activity:
 - (A) Complies with the standards described in Sections (5)(a) and (5)(b);
 - (B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
 - (C) Does not materially alter the stability of the land use pattern in the area.

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- (cc) If the local government issues a permit under this Section for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
 - (vi) A winery operating under Section (11)(b) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if the winery received a permit in similar circumstances before August 2, 2011.
 - (vii) A person may not have a substantial ownership interest in more than one winery operating a restaurant authorized in Section (11)(b).
 - (viii) Prior to the issuance of a permit to establish a winery under Section (11)(b), the applicant shall show that vineyards described in Section (11)(b)(i) have been planted.
 - (ix) A winery operating under Subsection (b) shall provide for:
 - (aa) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 - (bb) Direct road access and internal circulation.
- (c) As used in Section (11):
 - (i) “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 - (ii) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

(12) Agri-tourism and Other Commercial Events

- (a) Six or Fewer Events. Up to six agri-tourism or other commercial events or activities on a tract in a calendar year may be approved. The approval is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The six or fewer agri-tourism or other commercial events or activities must meet local standards and:
 - (i) Be incidental and subordinate to existing farm use on the tract;

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- (ii) Not, individually, exceed a duration of 72 consecutive hours; and
 - (iii) Comply with Section (12)(c) below.
- (b) Seven to 18 Events. Agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with (12)(a) above may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The seven to 18 agri-tourism or other commercial events or activities must comply with local standards and:
 - (i) Be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 - (ii) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 - (iii) Not exceed 18 events or activities in a calendar year; and
 - (iv) Comply with Section (12)(c) below.
- (c) All agri-tourism or other commercial events or activities described in (12)(a) and (12)(b) above must:
 - (i) Not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 - (ii) Comply with Section (5)(a) and (b) Conditional Use Criteria;
 - (iii) May not, in combination with other agri-tourism or other commercial events or activities, materially alter the stability of the land use pattern in the area; and
 - (iv) Must comply with conditions established for:
 - (aa) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration or the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - (bb) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

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- (cc) The location of access and egress and parking facilities to be used in conjunction with the agri-tourism or other commercial events or activities;
 - (dd) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - (ee) Sanitation and solid waste.
 - (v) The approval authority may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under (12)(a) or (12)(b). However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The County may not approve an alteration to the land in connection with the agri-tourism or other commercial event or activity authorized under (12)(a) or (12)(b), including, but not limited to, grading, filling or paving.
 - (vi) Agri-tourism or other commercial events or activities authorized under this section shall not be allowed at a winery which conducts agri-tourism or other commercial events or activities authorized under Sections (11)(a)(v)-(vi) or (11)(b)(v) or (11)(b)(ii)(dd).
 - (vii) Event or activities authorized under this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015(10)(a), do not include agri-tourism or other commercial events and activities.
- (d) Expiration of Agri-Tourism Approvals
- (i) Approvals issued pursuant to (12)(a) shall be valid for two years from the date of the approval, and may be renewed for an additional two years subject to:
 - (aa) An application for renewal; and
 - (bb) Demonstration of compliance with the provisions of Section (12)(a) and conditions that apply to the limited use permit or to the agri-tourism or other commercial events or activities authorized by the permit.

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- (ii) Approvals issued pursuant to (12)(b) shall be valid for four years from the date of the approval. If continued, the permit holder must submit an application for renewal at four year intervals. Upon receipt of a request for renewal, the Director must:
 - (aa) Issue public notice and an opportunity for public comment as part of the review process according to LC Chapter 14; and
 - (bb) Limit review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Section (12)(b).

(13) Commercial Facilities for Generating Power

- (a) Commercial Power Generating Facility.
 - (i) Permanent features of a power generation facility shall not preclude more than:
 - (aa) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - (bb) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
 - (ii) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.
 - (iii) Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504(b).
- (b) Wind Power Generation Facility.

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- (i) For purposes of this Chapter, a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
 - (aa) Temporary workforce housing described in Section (13)(a)(ii) must be removed or converted to Table 16.212-1 uses 7.13 or 7.14 or other statute or rule when project construction is complete.
 - (bb) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to Section (5)(a) and (b) and shall have no effect on the original approval.
- (ii) For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the County must find that all of the following are satisfied:
 - (aa) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
 - (A) Technical and engineering feasibility;
 - (B) Availability of existing rights of way; and
 - (C) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (bb);

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- (bb) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
 - (cc) Costs associated with any of the factors listed in Subsection (aa) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
 - (dd) The owner of a wind power generation facility approved under Subsection (ii) 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 this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
 - (ee) The criteria of Subsection (iii) are satisfied.
- (iii) For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:
- (aa) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;

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- (bb) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
 - (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
- (iv) For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection (13)(b)(iii)(dd) are satisfied.
- (v) In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections (13)(b)(iii) and (iv), the approval criteria of Subsection (13)(b)(iii) shall apply to the entire project.
- (c) Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
 - (i) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

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- (ii) “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of the land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
- (iii) “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.
- (iv) “Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.
- (v) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1,320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

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- (vi) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
 - (aa) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;
 - (bb) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and County approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
 - (cc) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and County approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

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- (dd) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and County approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
- (ee) The project is not located on high-value farmland soils unless it can be demonstrated that:
 - (A) Non high-value farmland soils are not available on the subject tract;
 - (B) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and
- (ff) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - (A) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

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- (B) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the Director or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- (vii) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:
 - (aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - (A) Nonarable soils are not available on the subject tract;
 - (B) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (C) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;
 - (bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
 - (cc) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

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- (A) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
- (B) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or 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; and
- (dd) The requirements of Subsections (13)(c)(vi)(aa), (bb), (cc), and (dd) are satisfied.
- (viii) For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The Director must find that:
 - (aa) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - (A) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (B) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

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- (bb) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
- (cc) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;
- (dd) The requirements of Subsection (13)(c)(vi)(dd) are satisfied;
- (ee) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the County's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the County, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing Chapters and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the County is responsible for determining appropriate mitigation measures; and

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- (ff) If a proposed photovoltaic solar power generation facility is located on lands where, after the site specific consultation with an Oregon Department of Fish and Wildlife biologist, if it determined that the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or habitat or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or to wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the County is responsible for determining appropriate mitigation, if any, required for the facility.
- (gg) The provisions of Subsection (13)(c)(viii)(ff) are repealed on January 1, 2022.
- (ix) The project owner shall sign and record at Lane County Deeds & Records a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
- (x) Nothing in this Section shall prevent the County from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

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(14) Land Divisions

- (a) 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 Section (14).
- (b) The minimum area shall be:
 - (i) E-25: 25 acres
 - (ii) E-30: 30 acres
 - (iii) E-40: 40 acres
 - (iv) E-60: 60 acres
- (c) 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:
 - (i) Land preparation.
 - (ii) Ripping and plowing.
 - (iii) Fencing.
 - (iv) Surveying.
 - (v) Crop cultivation.
 - (vi) Irrigation.
 - (vii) Herbicide; fungicide and/or fertilizer application.
 - (viii) Machinery.
 - (ix) Accessory farm buildings.
 - (x) Breeding and livestock raising concerns.
 - (xi) Labor.
 - (xii) Projected expenses associated with the above.

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- (xiii) Date by which the farm management plan would be substantially implemented.
- (d) A division of land to accommodate a Conditional Use as permitted by in Table 16.212-1 of this Chapter, except a residential use, smaller than the minimum parcel size provided in Subsection (a) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (e) 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 (14)(b) 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 (9) or (10)(a) 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 16.090;
 - (iv) The remainder of the original lot or parcel that does not contain the dwellings complies with the minimum parcel size established in (14)(b) above;
 - (v) The parcels for the non-farm dwellings are divided from a lot or parcel that complies with the minimum size established in (14)(b) 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

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- (viii) The dwelling complies with such other conditions as the approval authority considers necessary.
- (f) 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 16.090;
 - (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 (14)(b) 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 LC 16.212(9);
 - (viii) The non-farm dwellings shall comply with LC 16.212(5)(a) and (b);

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- (ix) 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
 - (x) The dwelling complies with other conditions considered necessary by the approval authority;
- (g) 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 the 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 (14)(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 Sections (9) and (10); and
 - (iv) 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.

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- (h) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- (i) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- (j) This Section does not allow a division or property line adjustment of a lot or parcel that separates uses 2.3, 2.9, or 3.7 in Table 16.212-1 of this Chapter.
- (k) This Section does not allow a division of a lot or parcel that separates a processing facility from the farm operation specified as use 1.6 in Table 16.212-1 of this Chapter.
- (l) A division of land may be permitted to create a parcel with an existing dwelling to be used:
 - (i) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section (9) or (10)(a); and
 - (ii) For historic property that meets the requirements of use 2.8 in Table 16.212-1 of this Chapter.
- (m) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b),
 - (i) A division of land may be approved provided:
 - (aa) 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; and
 - (bb) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - (cc) The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
 - (ii) A parcel created pursuant to this Subsection that does not contain a dwelling:

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- (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 redesignation or rezoning of forestlands except for a redesignation 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 to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or 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.
- (n) Notwithstanding the minimum lot or parcel size described in Subsection (14)(b), 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 as use 7.11 of Table 16.212-1;
 - (ii) The newly created lot or parcel is not larger than five acres;
 - (iii) The new parcel for the church shall meet the minimum size in (14)(a) either by itself or after it is consolidated with another lot or parcel.
- (o) Notwithstanding the minimum lot or parcel size described Subsection (14)(a), a division for a fire service facility provided in use 7.2 of Table 16.212-1, if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (p) A division of a lot or parcel by partition when a portion of the parcel has been included within an urban growth boundary (UGB) and subject to the following:
 - (i) The portion of the parcel within the UGB has been redesignated for urban uses under the applicable acknowledged comprehensive plan; and
 - (ii) The portion of the parcel that remains outside the UGB is smaller than the minimum parcel size pursuant to (14)(b) above; and
 - (iii) The parcel must be divided along the UGB boundary line; and

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- (iv) If the parcel outside of the UGB contains a dwelling, the parcel must be large enough to support continued residential use.
- (v) If the parcel outside of the UGB does not contain a dwelling, the parcel:
 - (aa) Is not eligible for siting a dwelling, except as authorized in conjunction with a state or local public park;
 - (bb) May not be considered in approving or denying an application for any other dwelling; and
 - (cc) May not be considered in approving a redesignation or re-zoning of forestlands, except to allow a public park, open space or, other natural resource use.
- (vi) A landowner allowed a land division under (14)(p) shall 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 30.397.
- (q) Divisions under (14)(b) and (14)(c) shall require that a statement be placed on the face of the plat disclosing that a dwelling is not guaranteed unless the requirements of (6), (7) or (8) above for a dwelling are met.
- (r) The governing body may not approve a division of land for nonfarm use under Subsection (d), (e), (f), (g), (l), (m), (n), or (o) unless any additional tax imposed for the change in use has been paid.
- (s) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- (t) The Director or its designate may not approve a land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to subsection (14)(g).
- (u) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or bio solids as provided Section 6.2 of Table 16.212-1.

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(15) Development Standards

All uses or activities allowed by LC 16.212 must comply with the requirements in Section (15)(b). Uses or activities allowed by LC 16.212, except farm use, must comply with the requirements in LC 16.212(15)(a) and (b).

- (a) For approval of a use or activity allowed by LC 16.212 that requires a Type II or Type III review, the Approval Authority must balance the setback requirements of LC 16.212(15)(b) with the applicable approval standards of LC 16.212(3) and (6) through (14) 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 and development accessory to residential uses to be siting upon tracts located within an area designated by the Department of Fish and Wildlife Habitat Maps as "Major" must 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(15)(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 and development accessory to residential uses to be sited upon all of tracts must 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) All uses, activities, and structures allowed by LC 16.212 must comply with:
 - (i) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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- (aa) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
- (bb) 10 feet from all other property lines except as provided below.
- (ii) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards~~a Riparian Modification application~~ is approved in accordance with LC 16.253(~~63~~). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (iii) Signs.
 - (aa) Signs cannot extend over a public right-of-way or project beyond the property line.
 - (bb) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.
 - (cc) Signs are limited to 200 square feet in area.

(16) Telecommunication Facilities.

Telecommunication facilities are allowed subject to compliance with the requirements of Section (15), LC 16.264, and with applicable requirements elsewhere in LC Chapter 16. (*Revised by Ordinance: 20-06, Effective: 6.16.20*)

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CHAPTER 16 CONTENTS

NATURAL RESOURCE ZONE (NR-RCP) RURAL COMPREHENSIVE PLAN
16.213 Natural Resource Zone (NR-RCP).

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**NATURAL RESOURCE ZONE (NR-RCP)
 RURAL COMPREHENSIVE PLAN**

16.213 Natural Resource Zone (NR-RCP).

(1) Purpose. The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential hazards of pollution, resource conversion and land development resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activity in those areas where:

- (a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;
- (b) Watersheds and their streams or lakes are used for domestic water supplies;
- (c) Vegetative cover is essential to maintain soil stability and prevent erosion;
- (d) Natural conditions are vital for either unique vegetative ecosystems, aquatic or wildlife habitat; and
- (e) Scenic quality or vistas or open space is unique and/or irreplaceable.

(2) Permitted Buildings and Uses. In the NR Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this subsection, subject to the general provisions and exceptions set forth:

(a) The following recreational facilities and uses owned by a governmental agency or a nonprofit community organization limited to day use.

(i) Exhibitions of the natural conditions of shorelands, dunelands, forested areas, streams and lakes, marshlands, or similar areas of unique and irreplaceable value, and the vegetation and wildlife supported by such lands and waters, provided that in no event shall such activity destroy, or endanger the relationships between the natural conditions being exhibited.

(ii) Picnicking areas, day parks and playgrounds.

(iii) Accessory facilities for outdoor recreation activity such as fishing, clam digging and hunting (provided such activity is conducted only in those areas allowed pursuant to Federal, State and Local fish and game regulations) and hiking and horseback riding.

(b) Fish and wildlife habitat management and the propagation of fish and wildlife.

(c) The following transportation facilities and uses, provided no filling or dredging is required:

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

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

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(3) Special Uses - Director Approval. The following uses are subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14:

(a) Single-family dwelling(s) or mobile home(s) for residential purpose for watchman, caretaker or operator in conjunction with use permitted in the district.

(4) Special Uses - Hearings Official Approval. The following uses are subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14:

- (a) Piers and boat houses.
- (b) Single family dwelling or mobile home and accessory structures.
- (c) Farm uses as defined by ORS 215.203(2), and any accessory uses.
- (d) Forest uses and any accessory uses.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.213(4) above are subject to compliance with the following criteria:

(a) (i) Evidence is provided supporting reasons why the proposed use should be sited in a natural resource area.

(ii) That the proposed site is on land generally unsuitable for natural resource uses.

(b) That the proposed use will not significantly impact natural resource uses on adjacent and nearby natural resource lands, and will not significantly impact natural resources on the site of the proposed uses;

(c) That the proposed use will not significantly increase the costs of natural resource management on adjacent and nearby natural resource lands.

(d) That the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;

(e) That, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby NR zoned lands, and these measures may be established as conditions of approval; and

(f) That the proposed use is consistent with the policies contained in the Rural Comprehensive Plan and the purpose of the NR zone.

(6) Property Development Standards. All uses or activities permitted or conditionally permitted above, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(~~96~~), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from a wetland or from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards modification to the riparian setback standard for to permit a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(~~63~~) or LC 16.253(~~96~~), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous

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vegetation within wetlands or within the riparian setback area designated for riparian vegetation protection by the rural comprehensive plan must comply with the provisions of LC 16.253(~~52~~) or LC 16.253(~~96~~), as applicable. *(Revised by Ordinance No. 7-87; Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.17.10; 20-05, 6.16.20)*

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MARGINAL LANDS ZONE (ML-RCP)

RURAL COMPREHENSIVE PLAN

ML Zone Table of Contents

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16.214 Marginal Lands Zone (ML-RCP)

(1) Purpose

The purpose of the Marginal Lands Zone (ML) is to provide an alternative to more restrictive farm and forest zoning; provide opportunities for persons to live in a rural environment and to conduct farm or forest operations. The ML Zone is applied to specific properties consistent with the requirements of ORS 197.247 (1991 Edition), ORS 215.317, ORS 215.327 (2017 Edition), and the policies of the Lane County Rural Comprehensive Plan.

(2) Use Table

Table of Permitted Uses

Table 16.214-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the marginal lands districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table 16.214-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in LC 16.214.

As used in Table 16.214-1:

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- (a) Uses:
 - (i) “A” means the use is outright allowed or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (4).
- (b) Procedures:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this chapter of Lane Code.
 - (ii) “AL” means Assembly License, subject to LC 3.995.
 - (iii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code.
 - (iv) Type II uses may be allowed provided a land use application is submitted and approved by the Director pursuant to LC Chapter 14.
 - (v) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (c) The “Subject To” column identifies any specific provisions of LC 16.214 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.214(7)

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Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
1.	Farm, Forest, and Natural Resource Uses			
1.1.	Intensive farm or forest operations, including but not limited to “farm use” as defined in LC 16.090	A	P	
1.2.	Propagation or harvesting of a forest product	A	P	
1.3.	Part-time farms	A	P	
1.4.	Woodlots	A	P	
1.5.	Nonresidential buildings customarily provided in conjunction with farm use	A	I	
1.6.	A facility for the processing of farm crops or the production of biofuel as defined in LC 16.090 or a farm used for an establishment for the slaughter, processing or selling of less than 1,000 poultry or poultry products within a calendar year	C	II	(3)(b), (4)
1.7.	A facility for the primary processing of forest products	C	II	(3)(c), (4)
1.8.	Marijuana production	A	I	LC 16.420
1.9.	Marijuana wholesale distribution	A	I	LC 16.420
1.10.	Marijuana research	A	I	LC 16.420
2.	Residential Uses			
2.1.	Dwelling on a vacant lot or parcel created before July 1, 1983	A	P	(3)(a), (3)(n)
2.2.	Dwelling on a vacant lot or parcel created pursuant to LC 16.2140	A	P	(3)(n)
2.3.	Temporary hardship dwelling	A	P	(3)(n), (3)(o)

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Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
3.	Commercial Uses			
3.1.	Home occupation	C	II	(3)(d), (4)
3.2.	A landscape contracting 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	C	II	(4), LC 16.212(5)
3.3.	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel as defined in LC 16.090 and not permitted as a farm use under Use 1.1, but excluding activities in conjunction with a marijuana crop	C	II	(4)
3.4.	Marijuana processing	C	II	LC 16.420, (3)(b), (4)
4.	Mineral, Aggregate, Oil and Gas Uses			
4.1.	Operations for the exploration of geothermal resources as defined by ORS 522.005	A	P	
4.2.	Operations for the exploration for minerals as defined by ORS 517.750	A	P	
4.3.	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted	C	III	(4)
4.4.	Operations for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources	C	III	(3)(f), (4)
4.5.	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement	C	III	(3)(e), (4)

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Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
4.6.	Processing of other mineral resources and other subsurface resources	C	III	(4)
5.	Transportation Uses			
5.1.	Climbing and passing lanes within the right of way existing as of July 1, 1987	A	P	
5.2.	Reconstruction or modification of public roads and highways, including 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	A	P	
5.3.	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	P	
5.4.	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	A	P	
5.5.	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	A	P	
5.6.	Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.101 for existing transportation facilities, services, and improvements, including road bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals	A	P	
5.7.	Changes in the frequency of transit, rail and airport services	A	P	

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Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.8.	Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	A	P	
5.9.	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels	A	P	
5.10.	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	C	II	(4)
5.11.	Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road	C	II	(4)
5.12.	Park and ride lots	C	II	(4)
5.13.	Railroad mainlines and branch lines	C	II	(4)
5.14.	Pipelines	C	II	(4)
5.15.	Navigation channels	C	II	(4)
5.16.	Realignment as defined in LC 15.010 not otherwise permitted pursuant to this chapter	C	II	(3)(g), (4)
5.17.	Replacement of an intersection with an interchange	C	II	(3)(g), (4)
5.18.	Continuous median turn lanes	C	II	(3)(g), (4)
5.19.	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	C	II	(3)(g), (4)

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Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
5.20.	Transportation facilities, services, and improvements other than those listed in LC 16.211 that serve local travel needs	C	II	(3)(g), (4)
5.21.	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities	A	I	(3)(h)
6.	Utility/Solid Waste Disposal Facilities			
6.1.	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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	A	I	(3)(i)
6.2.	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities	C	II	(5), (4)
6.3.	A site for the disposal of solid waste 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	C	II	(4)
6.4.	Changeout to an existing telecommunication tower	A	I	(8)
6.5.	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	FCC 14-153
6.6.	Collocation to an existing telecommunication tower	A	II	(8)
6.7.	New telecommunications tower or replacement tower	C	III	(4), (8)
7.	Parks/Public/Quasi-public Uses			
7.1.	Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	A	P	

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Table 16.214-1: Use Table for ML Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License				
	Use	Use Type	Local Procedure Type	Subject to
7.2.	Public parks, public playgrounds, and public campgrounds	A	I	
7.3.	Churches	A	P	
7.4.	Public or private schools, including all buildings essential to the operation of a school	C	II	(3)(j)
7.5.	Private parks, private playgrounds	A	P	
7.6.	Private campground	C	II	(3)(k), (3)(q), (4)
7.7.	Golf courses	C	II	(3)(l), (3)(q), (4)
8.	Outdoor Gatherings			
8.1.	An outdoor gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
8.2.	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	A	III	ORS 433.735-760
8.3.	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(3)(m)
9.	Accessory Uses			
9.1.	Uses and buildings accessory to existing uses and development permitted by LC 16.214.	A	P	

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(3) Use Standards

- (a) A dwelling or mobile home on a vacant legal lot created before July 1, 1983. If the legal lot is located within the Willamette Greenway, a flood plain area or a geological hazard area, approval of the mobile home or dwelling is subject to the provisions of Lane Code relating to the Willamette Greenway, floodplain or geological hazards, whichever is applicable.
- (b) A farm processing facility or an establishment for the slaughter, processing, or selling of less than 1,000 poultry or poultry products within a calendar year must comply with all of the following requirements:
 - (i) The farm on which the facility or establishment is located must provide at least one-quarter of the farm crops processed at the facility.
 - (ii) If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
 - (iii) A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
 - (iv) A county may not approve any division of a lot or parcel or a property line adjustment that separates a processing facility or establishment from the farm operation on which it is located.
- (c) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LC 16.090. Such facility may be approved for a one-year period that is renewable and is 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.
- (d) Home occupation must:
 - (i) Be operated by a resident or employee of a resident of the property on which the business is located;

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- (ii) Employ on the site no more than five full-time or part-time persons at any given time;
 - (iii) Be operated substantially in the dwelling or other buildings normally associated with uses permitted in the ML Zone;
 - (iv) Not unreasonably interfere with other uses permitted in the zone in which the property is located;
 - (v) Comply with sanitation and building code requirements prior to start of Home Occupations; and
 - (vi) Not be used as justification for a zone change.
- (e) New facilities 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.
- (f) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
 - (i) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.
 - (ii) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's adopted inventory in the Rural Comprehensive Plan.
- (g) Transportation facilities and uses shall comply with the following:
 - (i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;
 - (ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

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- (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.
- (h) 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.
- (i) A utility facility that is necessary for public service.
 - (i) A utility facility is necessary for public service if the facility must be sited in the marginal lands zone in order to provide the service.
 - (aa) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an marginal lands zone due to one or more of the following factors:
 - (i) Technical and engineering feasibility;
 - (ii) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for marginal land in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (iii) Lack of available urban and nonresource lands;
 - (iv) Availability of existing rights of way;
 - (v) Public health and safety; and
 - (vi) Other requirements of state and federal agencies.

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- (bb) Costs associated with any of the factors listed in Subsection (aa) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- (cc) The owner of a utility facility approved under Subsection (i) 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 this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- (dd) The county 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 farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- (ee) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the ML Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section (4) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
- (ff) In addition to the provisions of Subsection (3)(i)(i)(aa) through (dd), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
- (gg) In addition to the requirements in LC 16.214(3)(i)(i)(aa) through (ff) above, a utility facility that is a telecommunication facility shall comply with LC 16.264;

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- (hh) In addition to the requirements in LC 16.214(3)(i)(i)(aa) through (gg) above, a utility facility that is a transmission line, as defined by ORS 215.276(1)(b), to be located on high value farmland shall comply with the requirements of ORS 215.276; and
- (ii) The provisions of Subsection (i) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- (ii) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (aa) or Subsection (bb) of this Subsection.
 - (aa) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - (i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - (ii) The associated transmission line is co-located with an existing transmission line;
 - (iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - (iv) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
 - (bb) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (3)(i)(ii)(cc) and (dd), two or more of the following criteria:
 - (i) Technical and engineering feasibility;

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- (ii) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (iii) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - (iv) Public health and safety; or
 - (v) Other requirements of state or federal agencies.
- (cc) As pertains to Subsection (bb), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
- (dd) The county may consider costs associated with any of the factors listed in section (3)(i)(ii)(bb) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- (j) Schools are subject to the following:
 - (i) Are used primarily for residents of the rural area in which the school is located.
- (k) Private Campgrounds are subject to the following:

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- (i) Except on a lot or parcel contiguous to a lake or reservoir, private 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 chapter 660, division 4. 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. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 - (ii) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (iii).
 - (iii) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- (l) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
 - (i) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. 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; or housing;

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- (ii) Accessory uses 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., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
 - (iii) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
- (m) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.
- (n) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county 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.
- (o) A temporary hardship dwelling is subject to the following:
 - (i) One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

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- (aa) The hardship dwelling must use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - (bb) Approval of a temporary hardship dwelling is valid until December 31st of the year following the year the original permit approval. The county shall review the permit authorizing such hardship dwelling every two years; and
 - (cc) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished. In the case of an existing building, the building must be removed, demolished, or returned to an allowed nonresidential use.
- (ii) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
- (p) Three-mile setback. For uses subject to this Section:
 - (i) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - (ii) Any enclosed structures or group of enclosed structures described in Subsection (i) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract that is in existence as of June 17, 2010.
 - (iii) Existing facilities wholly within the marginal lands zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structure within the marginal lands zone may not be expanded beyond the requirements of (3)(q).

(4) Conditional Use Review Criteria

An applicant for a Conditional Use permitted in Table 16.214-1 of this Chapter must demonstrate compliance with the following criteria.

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- (a) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and
- (b) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)
- (c) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
- (d) Will not create a hazardour natural condition such as erosion, landside, flooding.

(5) Commercial Facilities for Generating Power

- (a) Permanent features of a power generation facility shall not preclude more than:
 - (i) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - (ii) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
- (b) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- (c) Permitting. A commercial power generating facility is not subject to the requirements for a special use permit and the associated review procedure where the facility is compliant with ORS 469.504.

(6) Land Divisions

Land in a Marginal Land zone may be divided as follows:

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- (a) Into lots or parcels containing at least 10 acres if the lots or parcels are not adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F- 1), Impacted Forest Land (F-2), or if it is adjacent to such land, the land qualifies for designation as marginal land pursuant to ORS Chapter 197 (1991 Edition).
- (b) Into lots or parcels containing 20 acres or more if the lots or parcels are adjacent to land zoned Exclusive Farm Use (E), Nonimpacted Forest Land (F-1) or Impacted Forest Land (F-2), and that land does not qualify as marginal land pursuant to ORS Chapter 197 (1991 Edition)..
- (c) A parcel of any size necessary to accommodate any of the nonresidential uses listed below:
 - (i) Use 6.1. Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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.
 - (ii) Use 6.2. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.
 - (iii) Use 6.3. A site for the disposal of solid waste 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 not on high value farmland.
 - (iv) Use 7.1. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
 - (v) Use 7.3. Churches and cemeteries in conjunction with churches.
 - (vi) Use 7.4. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school.
 - (vii) Use 7.5. Private parks, playgrounds, and campgrounds.

(7) Development Standards

All uses or activities permitted or conditionally permitted in this Chapter shall be subject to the following development standards.

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- (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:
 - (i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and
 - (ii) 10 feet from all other property lines except as provided below.
- (b) Riparian Setback Area. A riparian setback area applies to the area between a line that is 100 feet from and parallel to the ordinary high water of a Class I stream designated in the Rural Comprehensive Plan. No structure other than a fence may be located closer than 100 feet from the ordinary high water of a Class I stream unless an application for alternative standards a riparian modification application is approved in accordance with LC 16.253(63). Vegetation maintenance, removal, and replacement standards and exceptions to these setbacks are found in LC 16.253.
- (c) Signs.
 - (i) Signs cannot extend over a public right-of-way or project beyond the property line.
 - (ii) Signs cannot be illuminated, flashing, blinking, contain scrolling images, or capable of movement.
 - (iii) Signs are limited to 200 square feet in area.
- (d) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) 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. *(Revised by Ordinance: 20-06, Effective: 6.16.20)*

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PARK AND RECREATION ZONE (PR-RCP)

RURAL COMPREHENSIVE PLAN

16.215 Park and Recreation Zone (PR-RCP).

16.216 Quarry and Mine Operations Zone (QM-RCP).

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**PARK AND RECREATION ZONE (PR-RCP)
RURAL COMPREHENSIVE PLAN**

16.215 Park and Recreation Zone (PR-RCP).

- (1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:
 - (a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.
 - (b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.
 - (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.
 - (d) To implement the policies of the Lane County Rural Area Comprehensive Plan.
- (2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:
 - (a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
 - (b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.
 - (c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
 - (d) Farm use.
 - (e) Towers and fire stations for forest fire protection.
 - (f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.
 - (g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
 - (h) The following transportation facilities and uses:
 - (i) Climbing and passing lanes within the right of way existing as of July 1, 1987.
 - (ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.
 - (iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.
 - (iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
 - (v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.
 - (vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

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

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

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

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

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

(c) Parks.

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

(e) Aids to navigation and aviation.

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

(g) The following transportation facilities and uses:

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

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

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

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

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).

(x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.

(xi) Subject to LC 16.215(10)(h), continuous median turn lanes.

(xii) Subject to LC 16.215(10)(h), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

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(h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.

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

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

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

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

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

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

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

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

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

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

(o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.

(b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

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

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

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

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

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

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

(c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has

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been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

- (a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).
- (b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.
- (c) Golf courses with or without a country club.
- (d) Riding stables.
- (e) Bowling.
- (f) Gymnasium or athletic club.
- (g) Yachting clubs.
- (h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.
- (i) Game rooms, miniature golf, go cart tracks.
- (j) Boat rentals or boat storage and incidental minor repairs and sale of gas.
- (k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

- (a) Race track.
- (b) Amusement park, carnival, circus.
- (c) Stadium.
- (d) Fairgrounds and amusement park.
- (e) Recreational shooting.
- (f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

- (a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.
- (b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and capacity of surrounding streets; and to any other relevant impact to the use.)
- (c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.
- (d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.
- (e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

- (a) **Property Line Setbacks.** No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(96), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Comprehensive Plan. ~~Alternative standards modification to the riparian setback standard for to permit~~ a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), 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(52) or LC 16.253(96), as applicable.

(d) Signs.

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

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

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

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

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

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

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

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. ~~Alternative standards modification to the riparian setback standard for to permit~~ a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(63) are met; and

(v) Not closer than:

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

(bb) 10 feet from all other property lines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire-fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire-fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

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

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

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

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

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

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

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire-fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below:

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(aa) Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

(bb) Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(~~52~~).

(g) Signs.

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

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

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

(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall comply with the following:

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

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

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

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Youth Camps. The purpose of LC 16.215(12) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:

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(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.215(12)(a) above;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;
- (iv) Up to three camp activity buildings, not including primary cooking and eating facilities;
- (v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;
- (vi) Covered areas that are not fully enclosed;
- (vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;
- (viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);
- (ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.
- (i) A proposed youth camp shall comply with the following fire safety requirements:
 - (i) The fire siting standards in LC 16.251(10)(c) and (e) above;
 - (ii) A fire safety protection plan shall be developed for each youth camp that includes the following:
 - (aa) Fire prevention measures;
 - (bb) On site pre-suppression and suppression measures; and
 - (cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - (iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:
 - (aa) A 1,000-gallon mobile water supply that can access all areas of the camp;
 - (bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (cc) A sufficient number of fire-fighting hand tools; and
 - (dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
 - (iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;
 - (v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
 - (j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 16-01, 2.25.16; 20-05, 6.16.20)*

QUARRY AND MINE OPERATIONS ZONE (QM-RCP)

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RURAL COMPREHENSIVE PLAN

16.216 Quarry and Mine Operations Zone (QM-RCP).

- (1) Purpose. The purpose of the Quarry and Mine Operations Zone (QM-RCP) is to:
- (a) Recognize that minerals and materials within the County are an unrennewable resource, and that extraction and processing are beneficial to the economy of the County and the welfare of its people.
 - (b) Protect major deposits of minerals, rock and related material resources with appropriate zoning.
 - (c) Establish procedures for the protection of public health and safety on and adjacent to land where quarry and mine blasting operations are occurring.
 - (d) Establish County standards in the Lane Manual to be used in reviewing referrals from State and Federal Agencies of Operation and Reclamation Plans, pollution control permits and similar permits.
 - (e) Provide for cooperation between private and governmental entities in carrying out the purposes of this Chapter.
 - (f) To implement the policies of the Lane County Rural Comprehensive Plan.
 - (g) Establish procedures to insure compatibility of a Quarry and Mine Operation use with the area in which it is to be located, establish permitted uses and property development standards.
- (2) Intent. The Quarry and Mine Operations Zone shall be available for consideration and use by the County for new or existing operations when requests are received as part of an areawide or legislative rezoning, or a specific property or quasi-judicial rezoning.

When property under consideration for QM zoning is in close proximity to existing and planned uses potentially incompatible with QM uses, the application of the Quarry and Mine Operations Zone may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.

The Quarry and Mine Operations Zone is intended to be applied only to those operations which have been evaluated through the Goal #5 Administrative Rule conflict resolution process, which must be applied at the time of Rural Comprehensive Plan designation and coincident rezoning action per LC 16.216(2) above. Other quarry and mining operations of short-term or intermittent duration should be provided for pursuant to the special use provisions of the various zones.

- (3) Definitions. For the purposes of this section only, the following words, terms and phrases are defined and supersede definitions otherwise provided in this Code:

Minerals. Includes soil, coal, clay, stone, crushes hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement.

Mining Refuse. All waste materials, soil, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within such operating permit area.

Operations Plan. A written proposal submitted to the State Department of Geology and Mineral Industries under the requirements of ORS 517.790.

Operator. Any individual, public or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in quarry and extraction operations.

Overburden. The soil, rock and similar materials that lie above natural deposits or minerals.

Owner. The person possessing legal rights to the mineral deposit being mined.

Quarry and Mine Extraction. All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities.

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Reclamation. The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact such operations have on the environment, and to provide for the rehabilitation of land affected by such operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measure appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Reclamation Plan. A written proposal for the reclamation of the land area affected by a quarry and mine extraction operation submitted to the State Department of Geology and Mineral Industries.

(4) Permitted Buildings and Uses. In the Quarry and Mine Operations District, the following types of buildings and uses are permitted as hereafter specifically provided for by this section, subject to the provisions of the Quarry and Mining Operations Reclamation Permit and additional Conditions and exceptions set forth in this Chapter:

(a) Extracting and storing of minerals, including equipment and materials necessary to carry out these functions.

(b) Plants for the processing of minerals from quarry and mine extraction operations.

(c) Sale of products generated from the quarrying and mining operation.

(d) Activities permitted or required as part of the reclamation process provided for in the Reclamation Plan.

(e) Structures and buildings used in conjunction with the extracting and storing of minerals or related equipment as defined in LC 16.216(4)(a) above.

(f) Forest uses.

(g) Farm uses as defined in ORS 215.203(2).

(h) Water impoundments with less than 100 acre feet storage capacity and in conjunction with beneficial uses of water customarily associated with fire prevention, forest uses or farm uses.

(i) Fish and wildlife habitat management and any necessary and accessory uses.

(j) Maintenance and repair of a lawfully existing residence.

(k) Lawfully-established uses necessary and accessory to those listed above.

(l) Electrical facilities providing direct service to a use authorized in this zone.

(m) On premise signs used in connection with quarry and mine operations. Signs so permitted shall be limited to two per operation, shall not exceed 200 square feet total surface area per sign, shall not contain moving or flashing lights or be capable of movement.

(n) Caretaker's residence.

(o) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).

(5) Site Review Required. Uses permitted by LC 16.216(4)(a), (b), (c), (d) and (e) above shall be subject to the provisions of LC 16.257 (Site Review).

(6) Permits for Quarry and Mine Extraction.

(a) General. No quarry or mining extraction or related operations may be initiated on land zoned as Quarry and Mine Operations Zone (QM) until a surface mining permit. has been issued by the Oregon Department of Geology and Mineral Industries.

(i) Each permit application, Operation and Reclamation Plan referred to the Director shall be reviewed following the Operation Standards and Reclamation Standards set forth in Lane Manual.

(7) Blasting Notice and Records. Operators using explosives for quarry and mine extraction shall follow explosive regulations and use commonly acceptable engineering standards based on physical conditions and atmospheric conditions of the site so as to prevent injury to persons and damage to public and private property.

(a) Notice of Blasting. When blasting is to be done within 500 feet of an occupied building, the operator, or an authorized agent, shall notify all occupants that a blast is to be initiated. Such notice shall be given not more than six hours nor less than 30 minutes prior to detonation and shall include the approximate time of the blast.

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(b) **Blasting Records.** Each operator shall maintain a record of each blast for at least two years. These records shall be available to the County, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction upon request. Such records shall show the following for each blast:

- (i) Name of quarry or mine.
- (ii) Date, time and location of blast.
- (iii) Description of type of explosives and accessories used.
- (iv) Time interval of delay in milliseconds.
- (v) Number of different delays.
- (vi) Number of holes per delay.
- (vii) Nominal explosive weight per hole.
- (viii) Total explosive weight per delay.
- (ix) Total weight of explosives per blast.
- (x) Blast hole diameter, depth, spacing and stemming height.

(8) **Property Development Standards.**

(a) **Property Line Setbacks.** No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) **Riparian Setback Area.** Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(96), 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. ~~Alternative standards-modification to the riparian setback standard for to permit~~ a structure in the riparian setback area may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), 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(52) or LC 16.253(96), as applicable. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

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**RURAL COMMERCIAL ZONE (C-R, RCP)
RURAL COMPREHENSIVE PLAN**

16.223 Rural Commercial Zone (C-R, RCP).

- (1) Purpose. The purpose of the Rural Commercial Zone (C-R, RCP) is:
 - (a) To provide goods and services needed by rural residents.
 - (b) To provide services and facilities for tourists and travelers.
 - (c) To implement the policies of the Lane County Rural Area Comprehensive Plan, primarily those policies related to commercial development of areas identified as committed or built upon.
 - (d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.
- (2) Permitted Uses. The following uses and activities are permitted subject to the general provisions and exceptions specified by this chapter of Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:
 - (a) Retail trade of food.
 - (b) Retail trade of new general merchandise.
 - (c) Retail trade of building materials, hardware or farm equipment conducted within an enclosed building.
 - (d) Restaurants.
 - (e) Service stations.
 - (f) Personal services.
 - (g) Finance, insurance, banking and real estate services.
 - (h) Professional services.
 - (i) Retail trade of secondhand general merchandise within an enclosed building.
 - (j) Bus passenger terminal.
 - (k) Civic, social and fraternal meeting places.
 - (l) Boat charter and rental, including fishing equipment.
 - (m) Hotel, motel or lodge, and related recreational facilities.
 - (n) Bed and breakfast accommodation.
 - (o) Veterinarian clinic.
 - (p) Bars, night clubs and taverns.
 - (q) Retail trade of hay, grains or goods for animal consumption.
 - (r) Day camp and picnic areas.
 - (s) Outdoor tourist attractions featuring displays of educational or historical value.
 - (t) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.
 - (u) A dwelling or mobile home in conjunction with an above permitted use.
 - (v) Uses accessory to an above permitted use.
 - (w) A noncommercial kennel.
 - (x) Indoor or outdoor theaters.
 - (y) Post Office facilities.
 - (z) Family day care facility in a permitted residence.

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(a-a) Residential home in a permitted residence.

(b-b) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

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

(c-c) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Special Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and considerations specified by this chapter of Lane Code:

(a) Uses and activities:

(i) Retail trade of building materials, hardware or farm equipment conducted partially or wholly outdoors.

(ii) Equipment rental and leasing service.

(iii) Overnight campground and picnic areas.

(iv) Recreational vehicle park.

(v) Vehicle repair service.

(vi) Recreational vehicle and boat storage.

(vii) Marina.

(viii) A commercial kennel or a commercial breeding kennel.

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

(b) Criteria. The above uses should substantially conform to the following criteria:

(i) That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposed intent and are compatible with the surrounding vicinity.

(ii) That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

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(iii) That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

(iv) The suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

(v) That the location, design and size of the uses are 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.

(vi) That, based on anticipated traffic generation, adequate additional right-of-way and road improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of Lane Code, Chapter 15, "Roads", and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/ acceleration lanes.

(vii) That there is 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.

(viii) That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(ix) That all signs and illumination are in scale and harmonious with the site and area.

(x) That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements etc. that are required.

(4) Area. No minimum established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(5) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(96), 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 Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), as applicable, are met.

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(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 streams designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(~~52~~) or LC 16.253(~~96~~), as applicable.

(d) Heights. Maximum height of any structure shall be 45 feet.

(e) Signs.

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

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

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

(iv) No sign shall project above the height of the tallest structure on the property.

(f) Parking. Off street parking shall be provided in accordance with LC 16.250.

(6) Telecommunication Towers. Notwithstanding the requirements in LC 16.223(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

**LIMITED INDUSTRIAL ZONE (M-1, RCP)
 RURAL COMPREHENSIVE PLAN**

16.224 Limited Industrial Zone (M-1, RCP).

(1) Permitted Buildings and Uses. In the M-1, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Administrative and sale offices incidental to and directly related to the operation of industrial or commercial uses permitted in this zone.

(c) Single-family dwelling or mobile home for residential purposes for watchman, caretaker or operator to be located on the premise of the associated use.

(d) Kennel; provided the following conditions are satisfied:

(i) The maximum number of dogs over four months of age shall be eight.

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(ii) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(iii) All dogs shall be owned by the occupant of the premises, except those temporarily kept for purposes of breeding.

(e) Laboratories, research and testing.

(f) Manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of electronic devices, electro-mechanical components, optics, testing equipment.

(g) Manufacturing, assembling, processing, packaging, storage or wholesale distribution of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks and food products, except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

(h) Outdoor advertising.

(i) Storage buildings for household or consumer goods.

(j) Public and semipublic utilities, buildings and uses rendering direct utility service to the public in the local area, such as fire stations, utility stations or wells.

(k) Lawful uses existing on a property prior to July 9, 1982, and expansion or replacement of such uses which will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing prior to the effective date of the adoption of the ordinance.

(l) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

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

(m) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Aircraft landing field or heliport in conjunction with a use permitted in this zone.

(b) Banks.

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- (c) Barbershop, beauty shop.
- (d) Building maintenance service.
- (e) Carnival, circus.
- (f) Convenience grocery store (maximum of 2,000 square feet).
- (g) Correctional institution, jail, penal farm.
- (h) Credit union office.
- (i) Garbage dump, garbage transfer facility.
- (j) Kennels which do not satisfy the requirements for kennels allowed as a permitted use.
- (k) Offices for engineers, architects, landscape architects, surveyors, designing, graphics, business and labor organizations.
- (l) Other uses similar to permitted uses in this zone; provided that:
 - (i) Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
 - (ii) Items manufactured, assembled, processed or produced in area shall be for wholesale.
- (m) Public and private parking areas and garages.
- (n) Radio and television stations, radio and television towers; facilities transmitting electrical current in excess of 150,000 volts in any single cable or line or group of cables or lines.
- (o) Restaurants, taverns.
- (p) Rock, sand, gravel and loam excavations, with incidental processing.
- (q) Service stations.
- (r) Sewage treatment facilities.
- (s) Expansion of a lawful preexisting use in excess of that allowed as a permitted use.
- (t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).
- (3) Special Use Approval Criteria. Uses allowed under LC 16.224(3) above shall comply with the following criteria:
 - (a) Conformity with the Rural Comprehensive Plan for Lane County.
 - (b) The location, size, design and operating characteristics of the proposed use:
 - (i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and
 - (ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density., to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)
 - (iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
 - (iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.
- (4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

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(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-1, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum load space and setbacks have been provided.

(6) Vision Clearance.

(a) Vision clearance for corner lots shall be a minimum of 15 feet.

(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.224(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

**LIGHT INDUSTRIAL ZONE (M-2, RCP)
 RURAL COMPREHENSIVE PLAN**

16.225 Limited Industrial Zone (M-2, RCP).

(1) Permitted Buildings and Uses. In the M-2, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-1, RCP Zone (LC 16.224(1)).

(c) Bottling works, including alcoholic beverages.

(d) Collection, recycling, sorting, baling or processing of previously used material such as rags, paper, metals, glass or plastics.

(e) Contractor's equipment storage yards, light and heavy equipment sales, rental or repair.

(f) Feed and seed store.

(g) Freighting and trucking yards or terminal.

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(h) Mobile home sales and repairs.
 (i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
 (j) Lumberyards and building material sales.
 (k) Manufacturing, assembling, processing, packaging, storage, wholesale distribution of articles or merchandise from previously prepared materials such as: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, food (except fish, meat, sauerkraut, vinegar, yeast), fur, glass, hair, horn, leather, paper or paperboard, plastics, pottery, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.

(l) Metal or sheet metal shops, plumbing shops, electroplating, tool and hardware manufacturing, machine shop not using a drop hammer or large capacity punch press.

(m) Moving equipment rental, parcel delivery plant.

(n) Poultry or rabbit killing, incidental to a retail trade on the same premises.

(o) Tire recapping.

(p) The manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing of which shall not have any different or more detrimental effect upon the adjoining areas than the items specifically listed, and otherwise not anymore unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(q) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this chapter are not allowable pursuant to this section.

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

(r) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3).)

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(b) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

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

(3) Special Use Approval Criteria. Uses allowed under LC 16.225(2) above shall comply with the following criteria:

(a) Conformity with the Rural Comprehensive Plan for Lane County.

(b) The location, size, design and operating characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-2, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space, loading space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot vision clearance for each foot of street width under 60 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from curb or walk level to a minimum height of eight feet.

(7) Off Street Parking. (Also see LC 16.250.) Parking space must be provided on or within 800 feet of the site for the automobiles of all personnel employed and operating therefrom.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.225(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters

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of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 20-05, 6.16.20)*

**HEAVY INDUSTRIAL ZONE (M-3, RCP)
 RURAL COMPREHENSIVE PLAN**

16.226 Heavy Industrial Zone (M-3, RCP).

(1) Permitted Buildings and Uses. In the M-3, RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Accessory buildings and uses customarily provided in conjunction with a use permitted in this zone.

(b) Any use permitted in the M-2, RCP Zone (LC 16.225(1)).

(c) Industrial and associated commercial buildings and uses. All manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, repairing, researching or any combination thereof of items, material or goods, is permitted.

(d) Other uses similar to the above, and those uses which are unsightly, obnoxious, hazardous or offensive by reason of appearance, emission of odor, dust, smoke, gas, noise, vibration, radioactivity, glare and electrical interference.

(e) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge.

(f) Uses similar to Permitted Uses. Uses found, upon request by the applicant, to be clearly similar to those permitted above. Such a finding shall be made by the Planning Director pursuant to LC 16.008, and shall apply to the following criteria:

(i) Purpose and intent of this District.

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

(aa) Bulk, size, and operating characteristics of the proposed use.

(bb) Parking demand, customer types and traffic generation.

(cc) Intensity of land use of the site.

(dd) Potential demand for public facilities and services.

(ee) Products or services produced or vended on or from the site.

(iii) Uses now allowable as Special Uses within this District are not allowable pursuant to this section. Uses permitted or conditionally permitted in other commercial or industrial districts within this Chapter are not allowable pursuant to this section.

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

(g) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III

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procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

- (a) Any of the special uses allowed in the M-1, RCP Zone (LC 16.224(3)).
- (b) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(3) Special Use Approval Criteria. Uses allowed under LC 16.226(3) above shall comply with the following criteria:

- (a) Conformity with the Rural Comprehensive Plan for Lane County.
- (b) The location, size, design and operation characteristics of the proposed use:

- (i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

- (ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

- (iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

- (iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(4) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

- (a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

- (ii) 10 feet from all other property lines except as provided below.

- (b) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the M-3, RCP Zone.

(5) Lot Coverage. Full coverage is allowable; provided minimum parking space and setbacks have been provided.

(6) Vision Clearance. Vision clearance for corner lots on streets with widths of less than 66 feet shall be a minimum of one foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance of more than 10 feet shall be required. Said vision clearance shall be from the curb or walk level to a minimum of eight feet.

(7) Off Street Parking. (Also see LC 16.250.)

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.226(1)-(2) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection

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Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 20-05, 6.16.20)*

**INMATE WORK CAMP ZONE (IWC/RCP)
 RURAL COMPREHENSIVE PLAN**

16.227 Inmate Work Camp Zone (IWP/RCP).

(1) Purpose. The Inmate Work Camp zone is a special-purpose zoning district designed to accommodate the unique requirements of rehabilitative correctional facilities in rural areas. The zone is intended to be applied consistently with the requirements of the Lane County Rural Comprehensive Plan, Policies Element, Goal 11: Public Facilities and Services Policy #7. Such facilities provide for activities which are as typical of those taking place in, and dependent upon, resource areas; and which, because of their nature, require physical isolation from other developed land uses and the maintenance of continuing security measures for their operation. The zone is also intended to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

(2) Permitted Uses. Uses permitted in this zone are limited to correctional work camp facilities, and related accessory uses, operated by authorized public agencies or their designates. Such uses normally include, but are not necessarily limited to, supervised living quarters, dining halls, craft areas, counseling areas, indoor and outdoor recreational areas, staff residences and administrative quarters, cleaning and sanitation facilities, onsite water supply and sewage-disposal systems, vehicular parking and circulation areas, outdoor lighting, security alarm systems, perimeter and internal security fencing, and limitations upon the movements of residents and visitors.

(3) Property Development Standards. All uses permitted above shall be subject to the following development standards:

(a) Siting and Fire Safety Standards. All structures designed for human occupancy shall:

(i) Where possible, in consideration of the dimensions and topography of the tract, be sited 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.

(ii) Maintain a fuel break of 50 feet around the structures. Fuel breaks shall be free of hazardous fuels in the form of native vegetation. Fuel breaks shall be continually maintained and may contain individual tree specimens; however, plant materials shall not provide a means of readily spreading fire. Fuel breaks shall comply with the riparian vegetation protection standards of LC 16.227(3)(c) and (d) below.

(iii) Provide an adequate fire suppression system. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump, or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes.

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

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

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- (iv) Have a spark arrestor on any chimneys and fire retardant roofs.
- (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(~~96~~), 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. Alternative standards to permit a structure in the riparian setback area~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(~~63~~) 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(~~52~~) or LC 16.253(~~96~~), as applicable.
- (e) Height. None.
- (f) Signs.
 - (i) Signs shall not extend over a public right-of-way or project beyond the property line.
 - (ii) Signs may be externally illuminated, but not capable of movement.
 - (iii) Signs shall be limited to 200 square feet in area per sign. *(Revised by Ordinance No. 17-87, Effective 12.25.87; 10-92, 11.12.92; 10-04, 6.4.04; 5-04, 7.1.04)*

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SUBURBAN RESIDENTIAL ZONE (RA-RCP) RURAL COMPREHENSIVE PLAN

16.229 Suburban Residential Zone (RA-RCP).

(1) Purpose. The purpose of the Suburban Residential Zone (RA-RCP) is:

- (a) To provide opportunities for people to live in a rural area.
- (b) To allow primary and accessory residential uses and nonresidential uses which may be compatible with primary residential uses.
- (c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed or built upon and located within a community area.
- (d) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan.

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

- (a) One single-family dwelling, mobile home or duplex on a legal lot.
- (b) One single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner; provided that the minimum average density per residential unit complies with the following standards:

- (i) Where a community sewerage system and community water system is available, the ratio of residences to area shall not exceed one residence per 10,000 square feet.

- (ii) Where an on-site sewage disposal system and community water system is available, the ratio of residences to area shall not exceed one residence per 20,000 square feet.

- (iii) Where an individual water system and on-site sewage disposal system is available, the ratio of residences to area shall not exceed one residence per acre.

- (iv) In all cases, an approved means of sewerage must be obtained.

(c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:

- (i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.

- (ii) To qualify as a relative of the existing resident, a person shall be the 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 existing resident.

- (iii) Satisfactory evidence of the hardship is furnished which shall include:

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

- (bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

- (iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

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(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

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

(d) Residential Home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or,

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(h) Forest uses, including the propagation and harvesting of forest products, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.

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(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Noncommercial kennel.

(p) Family day care facility in a permitted residence.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director's Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home, and accessory uses, for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit as specified in LC 16.229(2)(b) above is maintained.

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

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

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

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

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.229(2) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.229(2) above.

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

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

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

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

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(c) More intensive farm use than those specified in LC 16.229(2)(g) above.

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

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

- (a) Animal hospitals.
- (b) Commercial breeding kennel.
- (c) Commercial kennel.
- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries, human or animal.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.
- (m) Public and private schools.
- (n) Radio and television transmission facilities.
- (o) Solid waste disposal facilities.
- (p) Stables, riding academies and commercial riding.
- (q) Storage facilities for boats and recreational vehicles.
- (r) Sewage treatment facilities.
- (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.

- (u) Mobile home parks.
- (v) Amusement park, carnival or circus.
- (w) Correctional institution.
- (x) Garbage dump, sanitary landfill or solid waste management.
- (y) Jail or penal farm.
- (z) Race track.
- (a-a) Sewage treatment plant.
- (b-b) Boarding of horses for profit.
- (c-c) Primary processing facility.

(5) Hearings Official Approval Criteria. Uses identified in LC 16.229(4) above must comply with the following criteria:

(a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.

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

(c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.

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(d) Where necessary, adequate provisions for access, sewerage and potable water would be provided for the intended use.

(6) Area. The creation of a parcel or lot for RA zoned property shall be subject to the following minimum area requirements:

(a) Where a community sewerage system and community water system is available, the minimum area requirement shall be 10,000 square feet.

(b) Where an on-site sewage disposal system and community water system is available, the minimum area requirement shall be 20,000 square feet.

(c) Where an individual water system and on-site sewage disposal system is available, the minimum area requirement shall be one acre.

(d) In all cases, an approved means of sewerage must be obtained.

(e) There is no minimum lot size for a parcel to accommodate uses allowed by LC 16.229(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28--Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(~~96~~), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area ~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(~~63~~) or LC 16.253(~~96~~), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 15.253(~~52~~) or LC 16.253(~~96~~), as applicable.

(f) Height. 45 feet shall be the maximum allowable structural height.

(g) Signs.

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

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

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

(h) Parking. Off street parking shall be provided in accordance with LC

16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.229(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

GARDEN APARTMENT RESIDENTIAL ZONE (RG-RCP) RURAL COMPREHENSIVE PLAN

16.230 Garden Apartment Residential Zone (RG-RCP).

(1) Permitted Buildings and Uses. In the RG-RCP Zone, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:

- (a) Single-family dwelling.
- (b) Two family dwelling (duplex).
- (c) Multiple dwelling.
- (d) Court apartment, boarding house.
- (e) Townhouse.
- (f) Church.
- (g) Schools, public and private (elementary, junior high, senior high).
- (h) Public building or structure essential to the physical and economic

welfare of the area in which located, such as a fire station, library, substation, pump station, reservoir, provided that each interior side and rear yard shall be a minimum of 25 feet in width. No stockpiling or storage of equipment or materials shall be allowed.

- (i) Accessory buildings and structures.
- (j) Private parking area.
- (k) Private parking garage.
- (l) Residential home.
- (m) Bed & Breakfast accommodation.
- (n) Family day care facility in a permitted residence.
- (o) Residential Care Facility, provided, pursuant to ORS 197.667(4), the

applicant supplies to the County at the time of application for land use approval a copy of the application and non-confidential supportive documentation for state licensing of the facility.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(2) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this

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chapter of the Lane Code. Uses listed below may be subject to Site Review Procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Home Occupations, subject to the following conditions and annual review:

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

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

(iii) Will be operated in a dwelling or other buildings normally associated with uses permitted under LC 16.230(1) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.230(1) above.

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

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

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

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

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

(3) Uses Subject to Hearings Official Approval. The following uses are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and subject to compliance with the criteria and standards specified in this chapter of Lane Code:

(a) Heliport, together with accessory land uses relevant and appropriate to the operation.

(b) Commercial breeding kennel or commercial kennel.

(c) Amusement park, carnival or circus.

(d) Radio and television stations.

(e) Sewage treatment plant.

(f) Recreation vehicle park.

(g) Campground or picnic area.

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(h) Home occupations meeting the requirements of LC 16.231(3)(b) (RR-RCP Zone).

(i) Clinic.

(j) Day nursery school.

(k) Group care home including residential care facilities as defined by ORS 197.660(1).

(l) Hospital.

(m) Nursing home.

(n) Private and public park, playground or community center.

(o) Telephone or telegraph exchange, excluding outdoor storage of vehicles or materials.

(4) Special Use Approval Criteria. Uses allowed under LC 16.230(3) above shall comply with following criteria:

(a) Conformity with the Rural Comprehensive Plan for Lane County.

(b) The location, size, design and operating characteristics of the proposed use:

(i) Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and

(ii) Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.)

(iii) Will not be adversely affected by known natural hazards, such as floods, slides, erosion.

(iv) Will not create a hazardous natural condition such as erosion, landslide, flooding.

(5) Height. (Also see LC 16.250.) No building may extend above the sun exposure plane.

(6) Setback Requirements. (Also see LC 16.250 and LC Chapter 15.)

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) No yard or open space provided for the purpose of complying with the regulations of this section shall be used for public or private parking areas or garages, or other accessory buildings.

(c) The Riparian Setback Area requirements of LC 16.229(7)(d) and (e) shall apply to development of property in the RG-RCP zone.

(7) Density. Where community sewerage facilities are not available, the minimum area required shall be 3,000 square feet per dwelling unit.

(8) Lot Coverage. All structures, excluding garages, carports and parking spaces, shall not occupy more than 30 percent of the gross area of the lot.

(9) Vision Clearance.

(a) Vision clearance for corner lots shall be a minimum of 15 feet.

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(b) Vision clearance on alley-street intersections shall be a minimum of seven and one-half feet.

(10) Off Street Parking. The number of permanently maintained off street parking spaces required on the site shall be no less than as set forth in the following, and shall be constructed simultaneously with the construction of the applicable permitted zone use. A parking space shall be not less than eight feet wide and 18 feet long, and shall have provisions for ingress and egress. Groups of three or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. No off street parking requirements shall be satisfied within required yard areas.

(a) Residential Types and Parking Space Required.

(i) Dwelling, single-family or two-family - One for each dwelling unit.

(ii) Dwelling, multiple - 1.5 for each dwelling unit; where fractioned, next highest full unit.

(b) Institutional Types and Parking Space Required.

(i) Churches, clubs, lodges - One for every four fixed seats or every eight feet of bench length of every 28 square feet of main auditorium, sanctuary or place of worship, where no permanent seats or benches are maintained.

(ii) Hospitals - One and one-half spaces for each bed; where fractioned, next highest full unit.

(iii) Schools.

(aa) Elementary and junior high schools - One and one half spaces for each teaching station, plus one for every six fixed seats in the auditorium or one for every 42 square feet of seating area, where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(bb) High Schools - One and one half spaces for each teaching station, plus one for every four fixed seats in the auditorium or one for every 28 square feet of seating area where there are no fixed seats in the auditorium; where fractioned, next highest full unit.

(iv) Libraries, museums, art galleries . One for each 250 square feet of gross floor area.

(c) Commercial Types and Parking Space Required.

(i) Clinic - One space for every 400 square feet of gross floor area.

(ii) Day Nursery School - One and one-half spaces for each teaching or class station; where fractioned, next highest full unit.

(iii) Nursing homes, group care homes - One space for each two beds.

(11) Signs. Only the following signs shall be permitted in the RG-RCP Zone:

(a) One unlighted nameplate for each dwelling unit, attached flat against the main building, not exceeding 4" x 16" and containing only the names and occupation of the resident of the premises.

(b) One unlighted temporary sign not exceeding six square feet in area, pertaining only to the sale, lease or hire of the particular buildings, property or premises upon which it is displayed.

(c) One unlighted sign for each housing development, not to exceed 20 square feet in area, or five feet in any dimension, and containing no advertising matter, except the name and street address of the development.

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(d) Subdivision and directional signs. (See LC 16.259 for permit provision).

(12) Fences and Walls. There shall be erected a masonry wall or wooden fence along the perimeter of all off street parking areas, except along any portion of such parking area immediately adjacent to a building. Such wall or fence shall contain not less than 60 percent solid face surface and not less than 4' 8" in height; setback shall be in accordance with the requirements for this zone; provided no wall or fence required by this section shall project nearer than five feet to any access drive.

(13) Dedication and Improvement of Easements. No building permit shall be issued, and no use of the property not requiring a building permit shall be made, until the applicant for a permit or user of the property has submitted to and has had approved by the Planning Commission the required dedications of streets and other easements within and around the site, and made the required improvements or provided an agreement and bond in lieu of improvements.

(14) Lot Dimensions. (Also see LC 16.250.)

(a) Minimum area - 20,000 square feet.

(b) Minimum width - 100 feet.

(c) Minimum depth - 80 feet.

(d) The minimum area and width requirements shall not apply to either single-family or two-family dwellings established in an RG-RCP zone. Minimum average area and width requirements for single and two-family dwellings are as set forth in LC 16.250.

(15) Telecommunication Towers. Notwithstanding the requirements in LC 16.230(1)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

**RURAL RESIDENTIAL LANDS ZONE (RR-RCP)
RURAL COMPREHENSIVE PLAN**

16.231 Rural Residential Lands Zone (RR-RCP).

(1) Purpose. The purpose of the Rural Residential Zone (RR-RCP) is:

(a) To provide opportunities for people to live in a rural area.

(b) To allow primary and accessory residential uses, and nonresidential uses which may be compatible with primary residential uses.

(c) To implement the policies of the Rural Comprehensive Plan, primarily those policies related to the residential development of areas identified as committed, built upon, or as nonresource land.

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

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

(a) One single-family dwelling, mobile home, or duplex on a legal lot.
 (b) A single-family dwelling or mobile home on a legal lot, in addition to the above, to provide residence for an immediate family member or members of the owner, provided that the minimum average density per residential unit (i.e., residences in relationship to acreages: one, two, five or 10 acres, whichever is specified by the zoning map) is maintained, and proper sanitation approvals are obtained.

(c) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to compliance with the following conditions:

(i) The existing resident or a relative of the existing resident suffers a hardship and needs the care of another person living nearby.

(ii) To qualify as a relative of the existing resident, a person shall be the 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 existing resident.

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

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

(bb) A written statement, on the form provided by the Department, disclosing any family relationship of the person with the hardship and the existing resident who will provide care.

(iv) The temporary manufactured dwelling will be located on the same legal lot as the existing dwelling.

(v) The temporary manufactured dwelling will be connected to the same on-site sewage disposal system serving the existing dwelling.

(vi) The temporary manufactured dwelling will comply with sanitation and building code requirements.

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

(d) Residential home.

(e) Buildings accessory to a dwelling, mobile home or duplex, such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter or similar and related accessory uses.

(f) Bed and breakfast accommodation.

(g) Farm use, subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(aa) One horse, cow or swine per acre;

or

(bb) One goat or sheep per half acre.

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

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(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(h) Forest uses, including the propagation and harvesting of forest products grown on the property, but not including a primary processing facility.

(i) Roadside stand.

(j) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(k) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months of age shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(l) Rock, sand, gravel or loam excavation or extraction, subject to conditions and limitations herein:

(i) The materials excavated or extracted are to be used solely on the subject property and are not offered for sale or remuneration.

(ii) The materials excavated or extracted do not exceed 500 cubic yards annually per acre of the subject property.

(m) Guest house.

(n) A mobile home park lawfully existing on a property prior to February 29, 1984.

(o) Family day care facility in a permitted residence.

(p) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(3) Uses Subject to Director Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

(a) One dwelling or mobile home for a person employed on the same legal lot as the owner's dwelling or mobile home, provided:

(i) The minimum acreage density per residence unit is maintained (i.e., not more than one residence per whatever the area requirement is as specified by the zoning map).

(ii) The location of the additional residence would not preclude the future partitioning of the property, if the residence and property on which it is to be located would be partitioned from the parent parcel. A site plan locating the proposed residence and delineating the feasibility of the partition shall be submitted with the application.

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

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

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

(iii) Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.231(2) above.

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

(v) Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.231(2) above.

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

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

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

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

(c) More intensive farm use than those specified in LC 16.231(2)(g) above.

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

(4) Uses Subject to Hearings Official Approval. The following uses and activities are permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and the general provisions and criteria specified by this chapter of Lane Code:

- (a) Animal hospitals.
- (b) Commercial breeding kennel.
- (c) Commercial kennel.
- (d) Campgrounds, camping vehicle parks, tourist parks.
- (e) Cemeteries.
- (f) Churches.
- (g) Group care home.
- (h) Day care nurseries.
- (i) Golf courses.
- (j) Lodges and grange halls.
- (k) Nursing homes.
- (l) Parks, playgrounds, community centers.

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(m) Public and private schools.
 (n) Radio and television transmission facilities.
 (o) Solid waste management.
 (p) Stables, riding academies and commercial riding.
 (q) Storage facilities for boats and recreational vehicles.
 (r) Sewage treatment facilities.
 (s) Dams, water storage facilities; power generation or transmission facilities; electric transmission lines which require a right-of-way of 25 feet in width or wider; canals, flumes and pipelines; flood control facilities and irrigation projects.

(t) Fish and wildlife habitat management and any accessory uses, including a dwelling or mobile home.

(u) An expansion of a mobile home park meeting the requirements of a permitted use under LC 16.231(2)(n) above and which does not exceed 50 percent of the number of mobile home spaces lawfully existing as of February 29, 1984; provided the expansion includes adequate provisions for access to and within the mobile home park and provided adequate provisions are made for sewerage and potable water.

(v) A mobile home park on property for which a conditional use permit for: a mobile home park had previously been approved by Lane County and not denied on appeal to the State; provided:

(i) The previous conditional use permit was approved after January 1, 1982.

(ii) The proposed mobile home park is not substantially different than the one previously approved in LC 16.231(4)(v)(i) above.

(iii) The application for the proposed mobile home park is received and accepted prior to January 1, 1985.

(iv) There are adequate provisions for access to and within the proposed mobile home park and adequate sewerage and potable water.

(w) Primary processing facility.

(5) Conditional Use Criteria. Uses conditionally permitted under LC 16.231(4) above are subject to compliance with the following criteria:

(a) Will not significantly impact existing uses on adjacent and nearby lands and other uses permitted in the zone in which the subject property is located.

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

(c) The proposed use is consistent with the policies contained in the Rural Comprehensive Plan.

(6) Area. Land within the Rural Residential Zone shall be designated and adopted on the zoning map as RR-1, RR-2, RR-5 or RR-10, and the creation of a parcel or lot shall be subject to compliance with LC Chapter 13 and the following minimum area requirements:

(a) RR-1: 1 acre

(b) RR-2: 2 acres

(c) RR-5: 5 acres

(d) RR-10: 10 acres

(e) In either RR-1, RR-2, RR-5 or RR-10, the minimum acreage may be less than required above and whatever size is necessary to accommodate uses specified in LC 16.231(2)(j) above.

(7) Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

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(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) For any lot one acre or less in size in a subdivision recorded prior to March 30, 1984, the setback for property lines other than front-yard shall be five feet, except as provided below.

(c) For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required above, and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapter 814, Division 28 --Department of Commerce, effective on April 1, 1986.

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(96), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(52) or LC 16.253(96), as applicable.

(f) Height. None

(g) Signs.

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

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

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

(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Telecommunication Towers. Notwithstanding the requirements in LC 16.231(2)-(4) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 3-91, 5.17.91; 10-92, 11.12.92; 13-97, 12.17.97; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 20-05, 6.16.20)*

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DESTINATION RESORT ZONE (DR-RCP) RURAL COMPREHENSIVE PLAN

16.232 Destination Resort Zone (DR-RCP).

(1) Purpose. The purpose of the Destination Resort Zone (DR-RCP) is:

(a) To recognize that large-scale, destination oriented, multiuse recreational facilities are appropriate in Lane County.

(b) To implement the policies of the Lane County Rural Area Comprehensive Plan which address Destination Resorts.

(c) To establish a procedure and standards for the development of Destination Resort facilities.

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

(a) Living accommodations, including lodges, hotels, motels, cabins, condominiums, single-family and multifamily dwelling units, and structures, such as garages normally subordinate to such accommodations, provided at least 75 percent of the living accommodations shall be for other than year-round residents.

(b) All manner of outdoor and indoor recreational facilities, including, but not limited to, golf courses, tennis courts, swimming pools, racquetball and handball courts, riding stables and trails, nature trails, and pathways for walking/running/bicycling, campgrounds or camps, and parks.

(c) Convention facilities and meeting rooms.

(d) When incidental to and together with the uses described in LC 16.232(2)(a),(b) and (c) above, the following uses;

(i) Restaurants, lounges and nightclubs.

(ii) Theaters and performing arts auditoriums.

(iii) Health clubs, spas and exercise studios.

(iv) Craft and art studios and galleries.

(v) Gift shops and retail convenience stores.

(vi) Kennels as a service to resort guests only.

(vii) Commercial services and speciality shops to provide only for the needs of vacationers and visitors.

(viii) Airport or heliport.

(ix) First aid station or infirmary.

(x) Facilities necessary for utility service.

(xi) Sewer and water treatment plant.

(xii) Farm and forest uses.

(xiii) Personal services.

(e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (q).

(3) Special Criteria and Conditions. Application for, and decisions concerning, the Destination Resort Zone shall follow the procedures and criteria defined in LC 16.400 for amendments to the Rural Comprehensive Plan. Conditions may be established in the approval of an application for the one, such conditions to be directed toward the zoning itself, the preliminary design of the proposed development or the final design/implementation of the proposed development. A site Review Permit pursuant to LC 16.257 shall be required in all cases, irrespective of other conditions, prior to approval of development on the site. A means of ensuring compliance with such conditions may be

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established, such as Letter of Credit, Bond, Assignment of Savings or Contact between the applicant and the County.

(4) Special Siting and Fire/Safety Standards for Structures. All structures within an approved Destination Resort Zone shall adhere to the following:

(a) Setbacks shall comply with LC 16.211(8)(a) of the F-2 zone.
 (b) Shall maintain a fuel break 50 feet around each structure, and around the entire developed portion of the proposed development, in forested and agricultural areas where measurable fire hazard exists. Such fuel breaks may contain vegetation of a type which will not readily spread fire, and shall be continually maintained for their intended uses.

(c) Shall incorporate a fire suppression system acceptable to the local fire official and to the County.

(d) Shall incorporate fireproof and fire-resistant materials in structures to the maximum feasible extent.

(5) Other Property Development Standards. All uses or activities permitted or conditionally permitted above shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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

(ii) 10 feet from all other property lines except as provided below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(96), no structure other than a fence or sign 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 lesser setback may be allowed if:

(i) The Department of Fish and Wildlife is consulted by the Department at least 10 days prior to issuing a permit for a structure; and

(ii) The riparian vegetation does not actually extend all the way into the 100-foot setback to the location of the proposed structure, and the riparian vegetation has not been removed in violation of the below riparian vegetation maintenance standards; or

(iii) An application for a variance to the above setback standards has been approved pursuant to LC 16.256 with findings of compliance to the Rural Comprehensive Plan policies for the protection of Class I streams and riparian vegetation.

(c) Maintenance, Removal and Replacement of Riparian Vegetation. Except as provided in LC 16.253(96), as applicable, the following standards shall apply for the maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan:

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

(ii) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in LC 16.232(5)(c)(i) above. Where vegetation removal beyond that allowed in LC 16.232(5)(c)(i) above cannot be avoided, the site shall be replaced during the next replanting season to avoid water

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sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(iii) A maximum of 25 percent of existing natural vegetation may be removed from the setback area.

(iv) The following uses and activities are excepted from the above standards:

(aa) Commercial forest practices regulated by the Oregon Forest Practices Act.

(bb) Vegetation removal necessary to provide water access for a water dependent use.

(cc) Removal of dead or diseased vegetation that poses a safety or health hazards.

(dd) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(d) Development Orientation. Any commercial, cultural or entertainment services provided as a part of the Destination Resort shall be contained within the development and shall not be oriented to public highways adjacent to the property. The buildings shall be designed to be compatible in appearance with the living accommodations and shall be constructed of similar materials.

(e) Impact on Adjacent Properties. A Destination Resort shall not significantly alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the normal permitted uses of the surrounding properties. It shall not force a significant change in or significantly increase the cost of farming or forestry practices on nearby lands devoted to such uses.

(f) Signs.

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

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

(iii) Signs shall be of a design compatible with the surrounding natural area.

(iv) Signs shall be limited to 100 square feet in area.

(6) Area. The ratio of developed (structures, paved surfaces, facilities) to undeveloped land shall not exceed 50 percent. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-04, 6.4.04; 5-04, 7.1.04)*

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**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 ~~are 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) Preliminary Investigation. Prior to commencement of any development within the /SN-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /SN-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.237(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.237(7)(h) or (10). The requirements of the /SN-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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:

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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 16.237(3)(c)(i)(cc), 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.

(4) 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 must be charged to the applicant. Such fees will be as established by order of the Board of County Commissioners.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /SN-RCP Zone, and must set forth the basis for the determination based on the criteria specified in LC 16.237(3).

(6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(73) Permitted Uses. In areas found subject to the requirements of the /SN-RCP Zone by the Preliminary Investigation specified in LC 16.237(3+0)-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 ~~will~~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.

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(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).

(h) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.237(8)(a)(i) or (b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.237(7)(h)(iii), all structures must be set back 100 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 100 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

(v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.237(10)(g).

(vi) Decks, uncovered porches, and stairways may extend a maximum distance of 10 feet into the setback area as specified by LC 16.237(10)(h)D.

(vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(84) 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(~~340~~)-~~below~~, the following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 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. Unless an applicant seeks approval under LC 16.237(7)(h), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.237(~~6~~)-(~~107~~) and (~~118~~)-~~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

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parcel size is insufficient for the development to meet the development, setback and area requirements set forth in LC 16.237~~(6), (107)~~ and ~~(118)~~~~below~~. Unless the applicant seeks approval under LC 16.237(7)(h), the following criteria apply to the use.

(ii) Criteria and Conditions.

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

(bb) The structures ~~must~~~~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~~(95)~~~~below~~, and except for the development of housing permitted by LC 16.237(7)(h).

(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, ~~is~~~~shall be~~ the proper consulting agency in this regard.

(dd) All requirements set forth in LC 16.237~~(6), (107)~~ and ~~(118)~~~~below~~ are met.

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

(ii) Criteria.

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(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 ~~must~~~~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.

~~(95)~~ **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(~~310~~)-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.

~~(106)~~ **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(~~310~~), the ~~below-specified~~ development requirements ~~of LC 16.237(10)(a) through (n) are~~~~shall be~~ in addition to those provided by the respective zone or zones with which the /SN-RCP Zone is combined. These requirements ~~do~~~~shall~~ not apply to timber harvesting activities.- Timber harvesting activities, where permitted by the respective zone with which the /SN-RCP Zone is combined, ~~must~~~~shall~~ conform to Oregon Forest Practices Act rules. These requirements do not apply to housing as permitted by LC 16.237(7)(h).

(a) No more of a parcel's existing vegetation ~~may~~~~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 ~~must~~~~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(~~106~~)(a)-above. Where vegetation removal beyond that allowed in LC 16.237(~~106~~)(a)-above cannot be avoided, the site ~~must~~~~shall~~ be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation ~~must~~~~shall~~ be of indigenous species in order to maintain the natural character of the area.

(d) The requirements for parking and vision clearance ~~must~~~~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(~~107~~)(m) and (n)-below.

(f) The shoreward half of the setback area specified by LC 16.237(~~107~~)(m) and (n)-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(~~107~~)(m) and (n)-below.

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(h) Decks, uncovered porches, stairways and fire escapes may extend a maximum distance of 10 feet into the setback area specified by LC 16.237(107)(m) and (n) ~~below~~.

(i) All mature trees must be retained within the setback area specified by LC 16.237(107)(m) and (n) ~~below~~, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures ~~must~~**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 ~~must~~**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 ~~must~~**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.

(m) Structures must be setback 100 feet from coastal lakes and the estuary measured at right angles to the high water line. Use of this 100 feet must be as specified in LC 16.237(10)(e)-(h).

(n) Building setbacks on oceanfront parcels are determined in accordance with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setbacks must be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

~~(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.~~

~~(118) Special Land Division Requirements. The following criteria ~~must~~**shall** be met for land divisions on property within the /SN. RCP Zone, based on the Preliminary Investigation in LC 16.237(310), ~~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.

(c) Land divisions meeting LC 16.237(11)(a) or (b) 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.

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~~(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.~~

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~~_____ (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 14.080 except for LC 14.080(1)(a).~~

(12+4) 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+5) Uses Subject to State and Federal Permits. Application of Zone to Federal Lands. The application of the /SN-RCP Zone must 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 must provide appropriate Federal agencies with local recommendation for proper use of these lands. Uses requiring State and Federal permits are subject to the following:

(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 ~~must~~**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 ~~must~~**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 ~~must~~**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~~

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| ~~these lands.~~ (Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 7-10, 11.25.10;
7-12, 12.28.12; 20-05, 6.16.20)

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**PRIME WILDLIFE SHORELANDS COMBINING ZONE
(/PW-RCP)RURAL COMPREHENSIVE PLAN****16.238 Prime Wildlife Shorelands Combining Zone (/PW-RCP).**

(1) Purpose. The Prime Wildlife Shorelands Combining Zone (/PW-RCP) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Rural Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species or a diversity of wildlife species. Lands in this zone serve to protect wildlife habitat, water quality, bank stability and provide flood control. The /PW RCP Zone is applied to areas of riparian vegetation and to the habitat limits of specific species of concern.

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

(2) Intent. The requirements imposed by the /PW-RCP Zone ~~are 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) Preliminary Investigation. Prior to commencement of any development within the /SN-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /SN-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.238(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.238(7)(g) or (10). The requirements of the /PW-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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:

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(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(3)(c)(i)(cc), 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.

(4) 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 must be charged the applicant. Such fees will be as established by order of the Board of County Commissioners.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /PW-RCP Zone and must set forth the basis for the determination based on the criteria specified in LC 16.238(3).

(6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(7) Permitted Uses. In areas found subject to the requirements of the /PW-RCP Zone by the Preliminary Investigation specified by LC 16.238(39)~~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 ~~will~~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.

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(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).

(g) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.238(8)(a)(i) or (b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.238(7)(g)(iii), all structures must be set back 100 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 50 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

(v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.238(10)(g).

(vi) Decks, uncovered porches, and stairways may extend a distance of 10 feet into the setback area as specified by LC 16.238(10)(h).

(vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(viii) The Oregon Department of Fish and Wildlife will be notified of development proposals allowed per LC 16.238(7)(g) within 14 days of final action to evaluate the impact upon habitats and to make recommendations concerning ways to avoid adverse impacts.

(84) 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(~~39~~)-~~below~~, the following specified uses and no others are subject to prior submittal and approval, of an application pursuant to Type II procedures of LC Chapter 14 and 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. Unless an applicant seeks approval under LC 16.238(7)(g), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.238(~~6~~), (~~107~~) and (~~118~~)-~~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

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requirements set forth in LC 16.238~~(6), (107)~~ and ~~(118)~~ below. Unless an applicant seeks approval under LC 16.238(7)(g), the following criteria apply to the use.

(ii) Criteria and Conditions.

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

(bb) The structures ~~must~~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~~(95)~~ below, and except for the development of housing permitted by LC 16.238(7)(g).

(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), (107)~~ and ~~(118)~~ 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), (107)~~ and ~~(118)~~ below are met.

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(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 ~~must~~~~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.

~~(95)~~ 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~~(39)~~~~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.

~~(106)~~ 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~~(39)~~~~below~~, the ~~below specified~~ development requirements of LC 16.238(10)(a) through (n) are~~shall be~~ in addition to those provided by the respective zone or zones with which the /PW-RCP Zone is combined. These requirements ~~do~~~~shall~~ not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /PW-RCP Zone is combined, ~~must~~~~shall~~ conform to Oregon Forest Practices Act rules. These requirements do not apply to housing as permitted by LC 16.238(7)(g).

(a) No more of a parcel's existing vegetation ~~may~~~~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 ~~must~~~~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~~(106)~~~~(a)~~~~above~~. Where vegetation removal beyond that allowed in LC 16.238~~(106)~~~~(a)~~~~above~~ cannot be avoided, the site ~~must~~~~shall~~ be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation ~~must~~~~shall~~ be of indigenous species in order to maintain the natural character of the area.

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

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(e) No topographic modification is permitted within the 50-foot setback area specified by LC 16.238(107)(m) and (n).

(f) The shoreward half of the setback area specified by LC 16.238(107)(m) and (n) ~~below~~ must be left in indigenous vegetation, except where unsurfaced trails are provided.

(g) Cornices, canopies and eaves may extend two feet into the setback area specified by LC 16.238(107)(m) and (n) ~~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(107)(m) and (n) ~~below~~.

(i) All trees must be retained within the setback area specified by LC 16.238(107)(m) and (n) ~~below~~, except where removal is subject to requirements of the Oregon Forest Practices Act.

(j) Structures ~~must~~**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 ~~must~~**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 ~~must~~**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.

(m) Structures must be set back 50 feet from coastal lakes and the estuary measured at right angles to the ordinary high water line. Use of this 50 feet must be as specified in LC 16.238(10)(e)-(h).

(n) 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 must be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure.

~~(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.~~

~~(118) Special Land Division Requirements.~~ The following criteria ~~must~~**shall** be met for land divisions on property within the /PW-RCP Zone, based on the Preliminary Investigation in LC 16.238(39) ~~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.

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(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 ~~must~~**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~~

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~~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)(e)(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 14.080 except for LC 14.080(1)(a).~~

~~(12+3) 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+4) Uses Subject to State and Federal Permits: 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. Uses requiring State and Federal permits are subject to the following:~~

(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 ~~must~~**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 ~~must~~**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 ~~must~~**shall** be forwarded in writing to the Oregon State Department

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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, 9.17.10; 7-10, 11.25.10; 20-05, 6.16.20)~~

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 ~~must~~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) Preliminary Investigation. Prior to commencement of any development within the /NRC-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /NRC-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.239(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.239(7)(i) or (10). The requirements of the /NRC-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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, 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(3)(c)(i)(cc), 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.

(4) 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 must be as established by order of the Board of County Commissioners.

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(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating 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(3).

(6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(7) Permitted Uses. In areas found subject to the requirements of the /NRC-RCP Zone by the Preliminary Investigation specified by LC 16.239(38) ~~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 ~~must~~**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.

(i) Housing as defined by LC 16.090. An applicatoin for the devleopment of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.239(8)(a)(i) or (b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.239(7)(i)(iii), all structures must be set back 100 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 50 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

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(v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.239(10)(e).

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

(vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(84) 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(~~38~~)~~below~~, the following specified uses and no others are subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and 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. Unless an applicant seeks approval under LC 16.239(7)(i), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.239(~~9~~) and (~~105~~); (~~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(~~9~~) and (~~10~~)~~5~~; (~~6~~) and (~~7~~)~~below~~. Unless an applicant seeks approval under LC 16.239(7)(i), the following criteria apply to the use.

(ii) Criteria.

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

(bb) The structures ~~must~~~~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(~~95~~)~~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. Unless an applicant seeks approval under LC 16.239(7)(i), the following criteria apply to the use.

(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(~~95~~)(d)~~below~~.

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

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(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, and except for the development of housing permitted by LC 16.239(7)(i).

(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(9) and (105), (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 ~~must~~ outweigh the negative impacts on water quality.

(95) 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(38) ~~below~~, the ~~below specified~~ development requirements of LC 16.239(9)(a) through (j) are ~~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. These requirements do not apply to housing as permitted by LC 16.239(7)(i).

(a) Development on shorelands within dune areas ~~must~~ 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 ~~must~~ be retained on lands within the shoreland area. Construction activities ~~must~~ 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 ~~must~~ be required during the construction phase of any project.

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(c) Thirty feet of indigenous riparian vegetation ~~must~~**shall** be retained along all coastal water bodies. This ~~must~~**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~~(96)(i) and (j) 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~~(96)(i) and (j) below~~.

(g) The requirements for parking and vision clearance ~~must~~**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.

(i) 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).

(j) 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.

~~(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.~~

~~(107) Special Land Division Requirements.~~ The following criteria ~~must~~**shall** be met for land divisions on property within the /NRC-RCP Zone, based on the Preliminary Investigation in LC 16.239~~(38) 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.

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~~(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.~~

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~~———— (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 14.080 except for LC 14.080(1)(a).~~

~~(11)2~~ 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.

~~(12)3~~ Uses Subject to State and Federal Permits. Application of Zone to Federal Lands. The application of the /NRC-RCP Zone must 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 must provide appropriate Federal agencies with local recommendation for proper use of these lands.

(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 ~~must~~**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 ~~must~~**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 ~~must~~**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; 7-10, 11.25.10; 20-05, 6.16.20)

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**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) Preliminary Investigation. Prior to commencement of any development within the /RD-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /RD-RCP Zone apply. The purpose of the Preliminary Investigation is to determine applicability an existence of characteristics provided by LC 16.240(3)(a) through (g) and determine the ordinary high water line and setback areas as provided in either LC 16.240(7)(h) or (10). The requirements of the /RD-RCP Zone apply in an area in which the Planning Director determines that one or more of the following 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.

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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 16.240(9)(c)(i)(cc), 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.

(4) 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 must be charged the applicant. Such fees will be as established by order of the Board of County Commissioners.

(5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /RD-RCP Zone, and must set forth the basis for the determination based on the criteria specified in LC 16.240(3).

(6) Appeal to the Hearings Official. Notwithstanding LC 14.080(1)(a)(i), an applicant may appeal to the Hearings Official the determination of the Preliminary Investigation, and the manner for such appeal must be as provided by LC 14.080.

(73) 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.

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(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.

(h) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.240(8)(a)(i) or (b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.240(7)(h)(iii), all structure must be set back 50 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 100-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 50 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

(v) Cornices, canopies, and eaves may extend two feet into the setback area specified by LC 16.240(10)(e).

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

(vii) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(84) 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(~~39~~)-below, the following specified uses and no others are permitted, subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14 and upon satisfaction of the applicable criteria.

(a) (i) Uses. Single-family homes, mobile homes and such accessory buildings as allowed in the underlying zones. Unless an applicant seeks approval under LC 16.240(7)(h), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.240(~~106~~), (~~7~~) and (~~118~~)-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(~~106~~), (~~7~~) and (~~118~~)-below. Unless an applicant seeks approval under LC 16.240(7)(h), the following criteria apply to the use.

(ii) Criteria and Conditions.

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

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(bb) The structures ~~must~~**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(~~95~~)**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 ~~will~~**shall** be the proper consulting agency in this regard.

(cc) All requirements set forth in LC 16.240(~~106~~), (~~7~~) and (~~118~~)**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 ~~must~~**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.

(~~95~~) **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.

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(106) 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(39)-below, the ~~below-specified~~ development requirements of LC 16.240(10)(a) through (j) are~~shall be~~ in addition to those provided by the respective zone or zones with which the /RD-RCP Zone is combined. These requirements ~~do~~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 must~~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 must~~shall~~ be retained on lands within the shoreland area. Construction activities must~~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 ~~is~~shall be required during the construction phase of any project.

(c) Within the setback area specified under LC 16.240(97)(i) and (j) ~~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 must~~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, must~~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 ~~is~~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(97)(i) and (j) ~~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(97)(i) and (j) ~~below~~.

(g) The requirements for parking and vision clearance must~~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.

(i) 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 is as specified in LC 16.240(10)(c)-(f).

(j) 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.

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~~(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.~~

~~(118) Special Land Division Requirements. The following criteria must shall be met for land divisions on property within the /RD-RCP Zone, based on the Preliminary Investigation in LC 16.240(39) 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:~~

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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 16.240(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 14.080 except for LC 14.080(1)(a).~~

~~(12+3) 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+4) Uses Subject to State and Federal Permits. Application of Zone to Federal Lands. The application of the /RD-RCP Zone must 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 must provide appropriate Federal agencies with local recommendation for proper use of these lands.~~

(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

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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 ~~must~~**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 ~~must~~**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; 7-10, 11.25.10; 20-05, 6.16.20)~~

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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) Preliminary Investigation. Prior to commencement of any development within the /MD-RCP Zone, the development must be reviewed through a Preliminary Investigation Application to determine the specific area to which the requirements of the /MD-RCP Zone shall apply. The purpose of the Preliminary Investigation is to determine applicability and existence of characteristics provided by LC 16.241(3)(a) through (g), and to determine the ordinary high water line and setback areas as provided in either LC 16.241(7)(c) or (10). The requirements of the /MD-RCP Zone shall apply in an area in which the Planning Director determines that one or more of the following 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.

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- (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), 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.
- (4) 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.
- (5) Notification of Preliminary Investigation Determination. The Planning Director must notify the applicant of the determination of the Preliminary Investigation by mail within 10 days of completion of the Preliminary Investigation. The notification must include a site plan delineating the portions of the parcel or parcels subject to the requirements of the /MD-RCP Zone, and will set forth the basis for the determination based on the criteria specified in LC 16.241(3).
- (6) Appeal to Hearings Official. Notwithstanding LC 14.080(1)(a)(i), 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 14.080.

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~~(73)~~ Permitted Uses. In areas found subject to the requirements of the /MD-RCP Zone by the Preliminary Investigation specified by LC 16.241~~(38)~~~~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.

(c) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.241(8)(b)(i).

(i) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(ii) Except as provided in LC 16.241(7)(c)(iii), all structure must be set back 100 feet from the ordinary high water line of lakes and estuaries.

(iii) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200-feet from the same vegetation line.

(iv) No vegetation removal is permitted within 100 feet of the ordinary high water line of a lake, estuary, or from the vegetation line described in ORS 390.770.

(v) Structures must not exceed 30 feet in total height as measured by the vertical distance from the highest adjacent grade surrounding the building prior to the start of construction to the highest pitched point of a roof.

(vi) The development of housing is prohibited on properties contiguous to oceans, estuaries, streams, lakes, and rivers.

~~(84)~~ 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~~(38)~~~~below~~, the following specified uses and no others are permitted subject to approval by the Planning Director pursuant to LC 14.~~030(1)(b)+00~~, 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 ~~must~~~~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.

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(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. Unless an applicant seeks approval under LC 16.241(7)(c), the following criteria apply to the use.

(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(106), (117) and (38) 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(73), (84) and (95) ~~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(73), (84) and (95) ~~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(106)(b) and (c) and LC 16.241(117) and (38) ~~below~~ apply.

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

~~(95)~~ Determination of Land Suitable for Water Dependent/Water Related Uses.

The following criteria ~~must~~**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.

~~(106)~~ 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~~(38)~~~~below~~, the ~~below-specified~~ development requirements of LC 16.241(10)(a) through (d) are~~shall be~~ in addition to those provided by the respective zone or zones with which the /MD-RCP Zone is combined. These requirements ~~may~~**shall** not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective zone with which the /MD-RCP Zone is combined, ~~must~~**shall** conform to Oregon Forest Practices Act rules.

(a) Riparian vegetation ~~must~~**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 ~~must~~**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 ~~must~~**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 ~~must~~**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.

~~(117)~~ Special Land Division Requirements. The following criteria ~~must~~**shall** be met for land divisions on property within the /MD-RCP Zone, based on the Preliminary Investigation in LC 16.241~~(38)~~~~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

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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.~~

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~~_____ (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. 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.~~

(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; 7-10, 11.25.10; 20-05, 6.16.20)

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**DREDGE MATERIAL/MITIGATION SITE COMBINING ZONE (/DMS-RCP)
RURAL COMPREHENSIVE PLAN**

16.242 Dredge Material Mitigation Site Combining Zone (/DMS-RCP).

(1) Purpose. The Dredge Material/Mitigation Site Combining Zone (/DMS-RCP) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Lane County Rural Comprehensive Plan. The purpose of the /DMS-RCP Zone is to ensure that sites designated for use for dredged material disposal or mitigation are not developed in a manner which would preclude that use. The /DMS-RCP Zone may only be applied, where appropriate, in combination with the three Estuary Zones (/NE-RCP, /CE-RCP, or /DE-RCP), or with the Significant Natural Shorelands Combining Zone (/SN-RCP), Natural Resources Conservation Combining Zone (/NRC-RCP), Residential Development Shorelands Combining Zone (/RD-RCP) and Shorelands Mixed Development Combining Zone (/MD-RCP) and the underlying zones with which the Shorelands zones are combined.

(2) Permitted Uses and Buildings.

(a) Farm uses as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(b) Propagation and harvesting of forest products as allowed in the respective zone or zones with which the /DMS-RCP Zone is combined.

(c) Dredged material deposition; provided, however, such activity is limited to sites identified for that purpose in the Siuslaw River Dredged Material Disposal Plan.

(d) Activities in conjunction with a mitigation plan approved by the Division of State Lands; provided, however, such activities are limited to sites identified for that purpose by the Coastal Resources Management Plan.

(3) Special Uses Subject to Further Review. Farm or forestry uses, as allowed in the underlying zone, are permitted without further review. All other uses which are permitted or which are conditional or special uses in the underlying zone are subject to approval of the Planning Director as provided for in LC 14.100, based on the criteria below. The use of a manufactured home or recreational vehicle serving as a temporary use for the term of a medical hardship suffered by a resident of an existing dwelling as permitted by the underlying zone is exempt from this section and does not require further review. Otherwise, the following criteria apply to review of a use in the /DMS-RCP Zone:

(a) The proposed use is temporary in nature or design and will be removed if or when the site is required for the purposes of this zone; or

(b) The proposed use is designed or sited on the parcel so as not to limit or preclude future use of the parcel for dredged material disposal as indicated in the Siuslaw River Dredged Material Disposal Plan, or for a potential mitigation project.

(4) Stabilization of Dredged Materials. It ~~is shall be~~ the responsibility of the party depositing dredged materials on a site to stabilize the site with appropriate vegetation when the materials are adequately drained.

(5) Responsibility to Acquire Mitigation/Restoration Sites. It ~~is shall~~ not be the responsibility of Lane County to acquire for use sites to mitigate for actions for which other agencies or persons are responsible, including the dredging of the navigation channel and development of the estuary. It ~~is shall~~ also not ~~be~~ the responsibility of Lane County to acquire sites for restoration to the estuary. (Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 7-12, 12.28.12; 20-05, 6.16.20)

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**BEACHES AND DUNES COMBINING ZONE (/BD-RCP)
RURAL COMPREHENSIVE PLAN**

16.243 Beaches and Dunes Combining Zone (/BD-RCP).

(1) Purpose. The Beaches and Dunes Combining Zone (/BD-RCP) is intended to be used in conjunction with the underlying zones in all coastal beach and dune areas in order to:

- (a) Ensure the protection and conservation of coastal beach and dune resources.
- (b) To prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.
- (c) To provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.
- (d) To prevent cumulative damage to coastal dune resources due to the incremental effects of development.
- (e) To provide for such protection of beach and dune resources above and beyond that provided by the underlying zone.

(2) Intent. The requirements imposed by the /BD-RCP Zone ~~are~~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) 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.

(4) Preliminary Investigation Required. Prior to commencement of any use or 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, requires a Type I Preliminary Investigation (Development Hazards Checklist) field assessment conducted by Lane County staff 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 is required, the form of the Development Hazards Checklist is as specified by the Lane Manual.

(5) 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

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proposal must be charged to the applicant. Such fees must be as established by order of the Board of County Commissioners.

(6) Prohibited Development Areas. No development, with the exception of minimal development, is permitted on the following dune landforms listed in subsections (a) through (d). The presence of these dune landforms must be determined through the Preliminary Investigation as required by LC 16.243(4):

- (a) Beaches, except as provided for in LC 16.243(8)(a).
- (b) Foredunes, if subject to wave overtopping or ocean undercutting.
- (c) Active dune forms. 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.
- (d) Nearshore deflation plain.

(7) Permitted Uses.

(a) All permitted ~~buildings and uses~~ and development 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(84)-below.

(b) Housing as defined in LC 16.090. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.243(8).

(i) Except for the allowance for driveway access, removal of vegetation and/or topographic modification is limited to an area within 40 feet of the center of the dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline. Vegetation removal for the construction of a 16-foot wide driveway access extending from the property boundary to a dwelling is allowed and is not subject to the limitations of this subsection.

(ii) No topographic modification of slopes or development of housing located on slopes greater than twenty five percent (25%) is allowed. Slopes must be measured using five-foot contours as the vertical distance divided by the horizontal distance expressed as a percentage. Slopes must be measured perpendicular to the topographic contours.

(iii) Removal of vegetation or topographic modification for sanitary disposal systems is limited to the required development area as provided by an approved sanitation investigation from the Lane County On-Site Wastewater program.

(iv) On oceanfront properties, adjacent to the vegetation line described in ORS 390.770, all structures must be set back 200 feet from the same vegetation line.

(v) Sand stabilization is required during all phases of construction as specified by complying with methods provided in Lane Manual Chapter 10.005.056.B.1

(vi) Development of housing is prohibited on dune areas with compressible subsurface soils. The presence or non-presence of compressible soils must be determined by an Oregon Licensed Engineer and shown on a scaled site plan, stamped by the engineer.

(vii) No new buried fuel tanks may be permitted with the development of housing as permitted under this section.

(84) Special Uses Approved by the Planning Director. The following specified uses are allowed subject to prior submittal of an application pursuant to LC 14.0450 and

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approval by the Director pursuant to LC 14.~~030(1)(b)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.
 - (cc) A Site Investigation Report, as determined by the outcome of a Preliminary Investigation pursuant to LC 16.243~~(410)-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.

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(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.

(h) (i) Uses. New single-family homes, mobile homes and such accessory buildings as allowed in the underlying zone. Unless an applicant seeks approval under LC 16.243(7)(b), the following criteria apply to the use.

(ii) Criteria. All requirements set forth in LC 16.243(9) are met.

~~(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.~~

~~(98) Additional Site and Development Requirements. The following requirements apply to all development, except housing as allowed by LC 16.243(7)(b), and the harvesting of timber, as allowed by the Zone with which the /BD-RCP Zone is combined. Timber harvesting activities mustshall conform to Oregon Forest Practices Act rules regulating logging practices in dune areas:~~

~~(a) Development mustshall 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 mustshall be used instead of sites which must be artificially cleared.~~

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(c) Areas cleared of vegetation during construction in excess of those indicated in LC 16.243(98)(a) ~~above~~ must be replanted within nine months of the termination of major construction activity.

(d) Sand stabilization ~~is~~ shall be required during all phases of construction and post-construction as specified by standards set forth in the Lane Manual.

(e) Development must result in the least topographic modification of the site as is possible.

(f) Slopes in excess of 25 percent ~~are~~ 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, ~~are~~ 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 ~~are~~ 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.

(i) Any development, with the exception of development provided for as special uses in LC 16.243(8) 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:

(i) Low elevation of the site with respect to potential for wave action.

(ii) Instability of dune landforms protecting the site from wave action.

~~(109)~~ 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 ~~is~~ 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.~~

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(112) Site Investigation Reports (SIR). The Preliminary Staff Investigation (Development Hazards Checklist) ~~shall~~ determines if a Site Investigation Report is required and, if so, what components of the SIR must be completed.

(123) Notification of SIR Requirement. The Planning Director ~~must~~ shall notify the applicant of the results of the Preliminary Investigation and if a SIR ~~is~~ shall be required. The notification ~~must~~ shall be by mail within 10 days of completion of the Preliminary Investigation.

(134) Responsibility for SIR Preparation. Preparation of the SIR is the responsibility of the applicant. All costs borne in preparation ~~must~~ shall be paid by the applicant.

(145) Qualifications for SIR Preparation. The SIR ~~must~~ shall be prepared by a person or team of persons qualified by experience, training and area. The applicant ~~must~~ 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.

(156) Contents of SIR. The contents of the Site Investigation Report are specified in the standard SIR document as set forth in the Lane Manual.

(167) 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.

(178) 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 ~~is~~ shall be as provided by LC 14.080500.

~~(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.~~

(1820) Uses Subject to State and Federal Permits and Application of Zone to Federal Lands. The application of the /BD-RCP Zone ~~must~~ 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~~ provides appropriate Federal agencies with local recommendation for proper use of these lands.

~~(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.~~

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(b) Applicants must 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 must also require the securing of any necessary State or Federal permit, lease, easement of similar type of authorization.

(Revised by Ordinance No. 7-87, Effective 6.17.87; 7-91, 6.5.91; 5-96, 11.29.96; 6-10, 09.17.10; 7-10, 11.25.10; 20-05, 6.16.20)

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**STREAM RIPARIAN REGULATIONS
 RURAL COMPREHENSIVE/METRO PLAN**

16.253 Riparian Regulations.

(1) Purpose. The purpose of the Riparian Regulations is to implement the Goal 5 Flora and Fauna policies and the Goal 6 Water Resources policies of the Lane County Rural Comprehensive Plan and the Goal 5 riparian policies of the Eugene-Springfield Metropolitan Area General Plan.

(2) Riparian Setback Area. The riparian setback area is defined as the area within 100 feet of the ordinary high water line of a Class I stream in resource zones, and the area within 50 feet of the ordinary high water line of a Class I stream in nonresource zones. The riparian setback is the horizontal distance upland of the ordinary high water line of Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan. For the purpose of implementing the standards of this chapter, Resource Zones shall be: LC 16.210 (F-1); LC 16.211 (F-2); LC 16.212 (EFU); LC 16.213 (NR); LC 16.214 (ML); LC 16.215 (PR); LC 16.216 (QM); LC 16.227 (IWC); and LC 16.232 (DR); and Nonresource Zones shall be: LC 16.219 (PF); LC 16.220 (C-1); LC 16.221 (C-2); LC 16.222 (C-3); LC 16.223 (C-R); LC 16.224 (M-1); LC 16.225 (M-2); LC 16.226 (M-3); LC 16.229 (RA); LC 16.230 (RG); LC 16.231 (RR); LC 16.290 (RR); LC 16.291 (RC); LC 16.292 (RI); LC 16.294 (RPF); and LC 16.295 (RPR).

~~(2) Removal of Vegetation Within the Riparian Setback Area.~~ The following standards shall apply to the maintenance, removal, destruction and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan. For purposes of LC 16.253(2)(b)(i) and (iii) below, Resource Zones shall be: LC 16.210 (F-1); LC 16.211 (F-2); LC 16.212 (EFU); LC 16.213 (NR); LC 16.214 (ML); LC 16.215 (PR); LC 16.216 (QM); LC 16.227 (IWC); and LC 16.232 (DR). For purposes of LC 16.253(2)(b)(i) and (iii) below, Nonresource Zones shall be: LC 16.219 (PF); LC 16.220 (C-1); LC 16.221 (C-2); LC 16.222 (C-3); LC 16.223 (C-R); LC 16.224 (M-1); LC 16.225 (M-2); LC 16.226 (M-3); LC 16.229 (RA); LC 16.230 (RG); LC 16.231 (RR); LC 16.290 (RR); LC 16.291 (RC); LC 16.292 (RI); LC 16.294 (RPF); and LC 16.295 (RPR).

~~(a) A minimum of seventy-five percent (75%) of the total area within the riparian setback area of any legal lot shall remain in an unaltered, indigenous state except as provided in LC 16.253(2)(b)(i) and LC 16.253(5)(b) below; and~~

(3) Riparian Setback Area Declaration. Prior to the approval of new structures, replacement structures, or the expansion of existing structures, the riparian setback area must be determined and demarcated as described in LC 16.253(2) when the structure is partially or wholly within 125 feet of a Class I stream in resource zones or within 75 feet of a Class I stream in nonresource zones. The riparian setback area will be determined through a Type I Riparian Declaration Application, including a field assessment conducted by Lane County Staff, an Oregon Professional Land Surveyor, or an associate under the direct supervision of an Oregon Professional Land Surveyor.

(a) If the riparian setback area determination is completed by a surveyor or their associate, the ordinary high water line and riparian setback area must be identified and temporarily demarcated by stakes in the ground that stand at least 3 feet above grade and the locations of the demarcations labeled on a scaled site plan stamped by the surveyor. Photographs must be provided by the applicant showing the temporary demarcations both up and downstream of the development site and each photo must be labeled for reference

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to its location on-site/on the site plan. The materials as described by this section must be submitted with a Riparian Declaration Application.

(4) Development within the Riparian Setback Area. No new structure or expanded portion of a structure is allowed in the riparian setback area, except as allowed by LC 16.253(6) and approved through a Type II procedure pursuant to LC Chapter 14.

(5) Standards for Removal of Vegetation within the Riparian Setback Area. The following standards apply to the removal of vegetation as defined by LC 16.090 within the riparian setback area as determined by LC 16.253(3).

(a) For the development of housing as defined by LC 16.090, the removal of vegetation within the riparian setback area is subject to the following standards. For purposes of LC 16.253(5)(i) through (iii), the center of the dwelling is measured from the geographical center of a rectangle that encompasses the entirety of the roofline of the proposed structure and that is not larger than the full extent of the roofline.

(i) For lawfully established units of land having frontage of 200 feet or less in length adjacent to or along a Class I stream, vegetation removal is limited to within 30 feet of the center of the dwelling; or

(ii) For lawfully established units of land having frontage of more than 200 feet but less than 400 feet in length adjacent to or along a Class I stream, vegetation removal is limited to within 40 feet of the center of the dwelling; or

(iii) For lawfully established units of land having frontage of 400 feet or more in length adjacent to or along a Class I stream, vegetation removal is limited to within 50 feet of the center of the dwelling.

(iv) The removal of vegetation is permitted for the development or maintenance of a single vehicular access to a dwelling.

(v) The total vegetation removal allowed pursuant to LC 16.253(5)(i) through (iv) may not exceed twenty five percent (25%) of the total riparian setback area on the lawfully established unit of land.

(b) For uses and development other than the development of housing pursuant to LC 16.253(5)(a), the removal of existing vegetation from within the riparian setback area of any lawfully established unit of land for any other uses ~~legal lot must~~ shall not exceed the shoreline linear frontage and square footage limitations calculated as follows:

(i) The maximum allowable removal for any lawfully established unit of land ~~legal lot~~ having frontage of 200 feet or less in length along a Class I stream ~~must~~ shall not exceed 50 linear feet along the shoreline and an area not greater than 2,500 square feet within the riparian setback area of a Nonresource Zone, or 5,000 square feet within the riparian setback area of a Resource Zone.

(ii) The maximum allowable removal for any lawfully established unit of land ~~legal lot~~ having frontage of more than 200 feet but less than 400 feet in length along a Class I stream ~~must~~ shall not exceed 25 percent of the total linear footage along the shoreline, and an area not greater than 25 percent of the total square footage of the entire area within the riparian setback area.

(iii) The maximum allowable removal for any lawfully established unit of land ~~legal lot~~ having frontage 400 feet or greater in length along a Class I stream ~~must~~ shall not exceed 100 linear feet along the shoreline of the Class I stream and an area not greater than 5,000 square feet within the riparian setback area of a Nonresource Zone, or 10,000 square feet within the riparian setback area of a Resource Zone. ~~Removal of indigenous vegetation from within the riparian setback area in excess of 100 linear feet and the square footage of the applicable zone designation, to provide water access for a water-~~

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~~dependent use or to allow selective thinning of indigenous vegetation to provide viewscapes, may occur subject to compliance with LC 16.253(5)(a)(i) below, prior to removal.~~

~~_____ (iv) Removal of vegetation from within the riparian setback area in excess of LC 16.253(2)(a) and (b) above, to allow riparian enhancement projects designed to improve or diversify habitat of designated areas within the riparian setback area may occur subject to compliance with LC 16.253(5)(b) below, prior to removal.~~

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(~~52~~(a) or (b) ~~above~~), without prior Planning Director approval ~~will~~**shall** require compliance with the provisions of LC 16.253(~~74~~) and LC 16.253(~~85~~(c) ~~below~~), and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(~~52~~(b) ~~above~~).

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(~~52~~(b) ~~above and (3) below~~).

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the Soil and Water Conservation District (SWCD) after consultation with the Oregon Department of Fish and Wildlife (ODFW).

(vi) In areas that are regulated for aquatic species by the federal Endangered Species Act, construction, maintenance, preservation, repair and replacement of road and ancillary facilities, including bridges, culverts, drainage improvements, embankments, retaining walls, revetments, rip-rap and other slope stabilization structures, conducted under the jurisdiction of Lane County, the Oregon Department of Transportation, or Federal Transportation Authorities, when such activity is a public improvement project within a public right-of-way, or within an area being used for the public improvement project including access easements, areas used for construction staging, areas for storage of materials and temporary detours, and further provided that such work is conducted in compliance with the following:

(aa) In the absence of Routine Road Maintenance Best Management Practices (BMP's) pursuant to Section 4(d) of the Endangered Species Act for Limit 10 of take prohibition specifically developed and recognized by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for Lane County, routine road maintenance is conducted in accordance with the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (BMP's) as published in the Federal Register; or

(bb) Road work other than routine maintenance is conducted in accordance with the Reasonable and Prudent Measures (RPM's) prescribed in the current "Programmatic Biological Opinion and Magnuson - Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Regulatory and Operational Activities Carried out by the Department of the Army Permits in Oregon;" or

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(cc) The road work is conducted in compliance with the requirements described in a site-specific Biological Opinion of the National Marine Fisheries Service; or

(dd) Such work is conducted in compliance with other final rules published in the Federal Register, consultation decision or conference decision by the National Marine Fisheries Service, the United States Fish and Wildlife Service, or a successor agency pursuant to the Endangered Species Act.

~~(63) Alternative Standards for Development and Vegetation Removal in the Riparian Setback Area Modifications. Compliance with the structural development prohibition in LC 16.253(4) and the vegetation removal standards of LC 16.253(5) is required unless the following alternative standards are met, and a modification to the applicable riparian setback standard for a structure may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least 10 working days prior to the initial permit decision. and an application that satisfies LC 14.040 and addresses these for alternative standards a modification to the setback standard must be processed as a Type II procedure has been submitted pursuant to LC 14.0350(1)(b) and approved by the Planning Director pursuant to the requirements of LC 14.100 with findings of compliance addressing the following criteria:~~

~~(a) For the purposes of deviating from the structural prohibition in LC 16.253(4), structural development must not result in the total removal of vegetation within the riparian setback area in excess of the standards of LC 16.253(5)(b); and either: The location of a structure within the riparian setback area shall not result in the removal or the alteration of vegetation within the riparian setback area in excess of the standards of LC 16.253(2) above. For purposes of LC 16.253, altered means to eliminate, significantly reduce or interrupt the natural growth cycle of indigenous vegetation by removal or destruction of the vegetation caused by a person; and~~

~~(b) (i) The riparian vegetation does not actually extend all the way into the riparian setback area to the location of the proposed structure. This determination must shall include consideration of any evidence of riparian vegetation existing prior to any removal of indigenous vegetation before or during the application review period; or~~

~~(c) (ii) It can be demonstrated that an unduly restrictive burden would be placed on the property owner if the structure was not allowed to be located within the riparian setback area.~~

~~(b) For the purpose of deviating from the riparian setback vegetation removal standards of LC 16.253(5)(b), an application for approval of a Riparian Area Setback Alteration Plan must be submitted pursuant to one of the applicable procedures in LC 16.253(8) and may be subject to other remedies available for violation of the standards above.~~

~~(74) Restoration of Indigenous Vegetation Within the Riparian Setback Area. Any removal or destruction of indigenous vegetation within the riparian setback area in excess of the provisions of LC 16.253(52) without an approved Riparian Setback Area Alteration Plan will shall require an application for a Preliminary Investigation pursuant to LC 16.253(74)(a)-(c) below. Potential impacts identified in LC 16.253(74)(a) below, must shall be addressed and/or mitigated through the review, approval and implementation of a Riparian Setback Area Restoration Plan pursuant to LC 16.253(85)(c) below.~~

(a) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal, alteration or destruction and the potential impacts of the removal in excess of the standards of LC 16.253(52)(b) above. For the purposes of LC 16.253(52) and (74) above, potential adverse impacts shall include the

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removal or destruction of vegetation in whole or part, which is detrimental to the functions identified in LC 16.253(~~74~~)(a)(i)-(iv)-~~below~~. This investigation mustshall identify the approval criteria which must be addressed by the property owner in the Riparian Setback Area Restoration Plan pursuant to LC 16.253(~~85~~)(c)-~~below~~ and mustshall include identification of the removed, altered or destroyed indigenous vegetation in excess of the standards of LC 16.253(~~52~~)(a)-~~and~~-(b)-~~above~~, serving one or more of the following functions:

- (i) Shading of Class I streams.
- (ii) Stabilization of a stream bank or shoreline.
- (iii) Habitat for sensitive aquatic or terrestrial wildlife species.
- (iv) Habitat for rare, endangered or threatened species.

(b) Notification of Preliminary Investigation Determination. The planning Director mustshall notify the applicant of the determination of the Preliminary Investigation by certified mail within 10 days of completion of the Preliminary Investigation. The notification mustshall include a map at the appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the riparian setback area, the area of removal in excess of the standard in LC 16.253(~~52~~)(b)-~~above~~, and mustshall set forth the determination of the potential adverse impacts identified in LC 16.253(~~74~~)(a) ~~above~~.

(c) Fees for a Preliminary Investigation. To partly defray the expense in performing the Preliminary Investigation, a fee mustshall be charged the applicant. Such fees mustshall be as established by order of the Board of County Commissioners.

(~~85~~) Riparian Setback Area Alteration Plan Submittal. An application for approval of a Riparian Setback Area Alteration Plan as required by LC 16.253(~~52~~)(c)(b)-~~or~~-(e)-~~above~~, mustshall be submitted pursuant to one of the following applicable classifications and procedures.

(a) Riparian Setback Area Development Plan. The person proposing the development or removal in excess of the linear and square footage standard of LC 16.253(~~52~~)(b)(b)(iii)-~~above~~, mustshall submit a Riparian Setback Area Development Plan to the Planning Director pursuant to LC 14.03~~50~~, which sufficiently identifies the location, nature and scope of the proposed development or removal of vegetation in excess of the provisions of LC 16.253(~~52~~)(b)(b)(iii)-~~above~~, prior to removal. The Riparian Setback Area Development Plan ~~shall establish compliance with LC 16.253(2)(a) above~~ must maintain a minimum of 75 percent (75%) of the total area of the riparian setback area in a vegetated state and the following approval criteria:

- (i) Vegetation removal ~~or thinning~~ in excess of the standard of LC 16.253(~~52~~)(b)(b)(iii)-~~above~~, mustshall be limited in scope to accommodate the approved Riparian Setback Area Development Plan only and mustshall be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(~~85~~)(g)-~~below~~;
- (ii) The proposed development or removal mustshall not have a substantial adverse impact on significant wildlife habitat;
- (iii) The proposed development or removal mustshall not have a substantial adverse impact on stream bank or shoreline stabilization; and
- (iv) The removal or alteration of indigenous vegetation from within the riparian setback area of a legal lot mustshall not exceed 25 percent of the total ~~areassquare footage~~ of the entire riparian setback area and 25 percent of the total linear footage along the shoreline of a Class I stream.

(b) Riparian Setback Area Enhancement Plan. The person proposing the removal of vegetation from within the riparian setback area in excess of LC

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16.253(~~52~~)(~~b~~)(~~a~~) and (~~b~~) above, to enhance the riparian setback area by replanting with indigenous vegetation, ~~mustshall~~ submit a Riparian Setback Area Enhancement Plan to the Planning Director pursuant to LC 14.03~~50~~, which sufficiently identifies the location, nature and scope of the proposed enhancement of indigenous vegetation within the riparian setback area. The Riparian Setback Area Enhancement plan ~~mustshall~~ establish compliance with the following approval criteria:

(i) Vegetation removal or thinning in excess of LC 16.253(~~52~~)(~~b~~)(~~a~~) and (~~b~~) above ~~mustshall~~ be limited in scope to accommodate the approved Riparian Setback Area Enhancement Plan only and ~~mustshall~~ be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(~~85~~)(g) below;

(ii) The proposed alteration and enhancement activities ~~mustshall~~ provide for the diversification of the indigenous vegetation; and

(iii) The proposed alteration and enhancement activities ~~mustshall~~ maintain stream bank and shoreline stability.

(c) Riparian Setback Area Restoration Plan. Where required by the Preliminary Investigation, the property owner and the person responsible for removal or destruction of vegetation from within the riparian setback area in excess of the provisions of LC 16.253(~~52~~)(~~b~~) above ~~mustshall~~ submit a Riparian Setback Area Restoration Plan to the Planning Director pursuant to LC 14.03~~50~~, which includes a complete inventory of the previously existing indigenous vegetation which was removed or destroyed. The vegetation inventory ~~mustshall~~ identify previous plant community locations and the maturity and densities of the previously existing plant species. The submitted Riparian Setback Area Restoration Plan ~~mustshall~~ provide a recovery and restoration planting schedule to include successional plantings, seasonal maintenance, and other management activities that provide for the recovery of the removed or destroyed indigenous vegetation. An approved Riparian Setback Area Restoration Plan ~~mustshall~~ establish compliance with the following criteria and ~~willshall~~ be subject to conditions of approval set by the Planning Director in accordance with LC 16.253(~~85~~)(g) below:

(i) Restoration of the riparian setback area ~~mustshall~~ comply with the indigenous vegetation maintenance, removal and replacement standards established in LC 16.253(~~52~~)(~~b~~) above;

(ii) Mitigation of adversely impacted significant wildlife habitat identified in the Preliminary Investigation required Pursuant to LC 16.253(~~74~~)(a) above; and

(iii) Mitigation of adversely impacted stream bank or shoreline stabilization identified in the Preliminary Investigation required pursuant to LC 16.253(~~74~~)(a) above.

(d) Riparian Setback Area Plan Receipt and Referral. Upon receipt and acceptance of the applicable Riparian Setback Area Alteration Plan described in LC 16.253(~~85~~)(a), (b) or (c) above, the Planning Director ~~mustshall~~ refer a copy of the Riparian Setback Area Alteration Plan to the ODF&W for review.

(e) ODF&W Review. Within 10 working days of submittal of the Riparian Setback Alteration Plan to the Planning Director as required in LC 16.253(~~85~~)(d) above, the property owner ~~mustshall~~ provide evidence of consultation with ODF&W. Review of the Riparian Setback Area Alteration Plan and any recommendations by ODF&W to the Planning Director ~~mustshall~~ be consistent with the provisions of OAR 635-405 (May 1991) and OAR 635-415 (November 1991). Any recommendation from ODF&W addressing the proposed Riparian Setback Area Alteration Plan ~~mustshall~~ be in writing.

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(f) Director Action. The Director may approve the Riparian Setback Area Alteration Plan if there are adequate findings of fact supporting compliance with LC 16.253(52)(b)-above and the applicable approval criteria for the proposed Riparian Setback Area Alteration Plan. The Director may impose conditions of approval to assure continued compliance with the applicable criteria. Notice of the written decision ~~must~~shall be provided pursuant to LC 14.400030(1)(b).

(g) Conditions of Approval. Reasonable conditions may be placed upon the approval of a Riparian Setback Area Alteration Plan to mitigate impacts and to assure continued compliance with the protection standards as set forth in the Riparian Setback Area Alteration Plan approved under LC 16.253(85)(f)-above. Vegetation removed or destroyed in excess of LC 16.253(52)(b)-above ~~must~~shall be replaced or restored and maintained within the next replanting season following the removal or alternation. Required subsequent maintenance and successional plantings ~~must~~shall be identified in the Riparian Setback Area Alteration Plan approved by the Planning Director. Conditions may include but are not limited to the following:

(i) The property owner may be required to enter into a performance agreement to pay all costs associated with implementing the Riparian Setback Area Alteration Plan.

(ii) The Planning Director may require the property owner to record notice of the requirements of the Riparian Setback Area Alteration Plan and performance agreements in the Lane County Deed Records.

(iii) All restored or replaced vegetation plantings within the riparian setback area shall be of an indigenous species as identified in the list of indigenous plant species associated with riparian areas adopted by Board Order and incorporated in Lane Manual.

(96) Metro Area Riparian Setback Regulations. For property located west of Interstate 5 between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene Urban Growth Boundary and east of Interstate 5, outside the Springfield Urban Growth Boundary but within the area previously covered under the Eugene-Springfield Metropolitan Area General Plan prior to the enactment of Ordinance No. PA 1281, the ~~following riparian setback regulations shall apply:~~ riparian setback area is 75 feet upland from the ordinary high water line along all streams with an average stream flow greater than 1,000 cubic feet per second (cfs), and 50 feet from the ordinary high water line along all lakes, and fish bearing streams with an average stream flow less than 1,000 cfs. The riparian setback is the horizontal distance upland of the ordinary high water line of water bodies designated for riparian protection by the "Goal 5 Significant Riparian Corridors for the area inside the Metro Plan Boundary and outside the UGB," dated January 2012.

(a) ~~Setback Area. The riparian setback area shall be as follows:~~ Riparian Setback Area Declaration. To assure the development of any new structure, or the expansion or replacement of any existing structure is located outside the riparian setback area, the setback must be physically determined and demarcated as described in LC 16.253(9). Prior to the approval of new structures, replacement structures, or the expansion of existing structures, the riparian setback area must be determined when the structure is partially or wholly within 100 feet of a stream with average annual stream flow greater than 1,000 cfs or within 75 feet of a stream with average annual stream flow less than 1,000 cfs. The riparian setback area will be determined by a Riparian Declaration Application, including a field assessment conducted by Lane County staff or an Oregon Professional Land Surveyor, or an associate under the direct supervision of an Oregon Professional Land Surveyor.

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(i) If the riparian setback determination is completed by a land surveyor or their associate, the ordinary high water line and riparian setback are must be identified and temporarily demarcated by stakes in the ground that stand at least 3 feet above grade and the locations of the demarcations labeled on a site plan stamped by the surveyor. Photographs must be provided by the applicant showing the temporary demarcations both up and downstream of the development site and each photo must be labeled for reference to its location on-site/on the site plan. The materials as described by this section must be submitted with a Riparian Declaration Application.

~~(i) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs), as designated for riparian vegetation protections by the Eugene Springfield Metropolitan Area General Plan on January 1, 2012, the riparian corridor boundary shall be 75 feet upland from the top of each bank.~~

~~(ii) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, as designated for riparian vegetation protection by the Eugene Springfield Metropolitan Area General Plan on January 1, 2012, the riparian corridor boundary shall be 50 feet from the top of bank.~~

~~(iii) In areas where the top of each bank is not clearly defined, or where the predominant terrain consists of steep cliffs, the provisions of OAR 660-023-0030 shall apply, rather than the provisions of this section.~~

(b) Development and Removal of Vegetation Within the Riparian Setback Area. Development and removal of vegetation within the riparian setback as set forth by LC 16.253(9) must comply with ~~the standards of LC 16.253(42) and (5) above, shall apply to the maintenance, removal, destruction and replacement of indigenous vegetation within the riparian setback area along streams designated for riparian vegetation protection by the Eugene Springfield Metropolitan Area General Plan on January 1, 2012.~~ The permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:

- (i) Streets, roads, and paths;
- (ii) Drainage facilities, utilities, and irrigation pumps;
- (iii) Water-related and water-dependent uses; and
- (iv) Replacement of existing structures, except housing as defined

in LC 16.090, with structures in the same location that do not disturb additional riparian surface area.

(v) Replacement of an existing dwelling that qualifies as housing per LC 16.090 in the same footprint that does not disturb additional area within the riparian setback area, as designated by LC 16.253(9). For the purpose of this provision, footprint means one or more of the following: where the foundation of a dwelling, the skirting for a manufactured dwelling, or an enclosed area meets the ground.

(c) Compliance. Removal of vegetation from within the riparian setback area in excess of the removal provisions in LC 16.253(96)(b) ~~above~~, without prior Planning Director approval, ~~shall require~~ compliance with the provisions of LC 16.253(74) and LC 16.253(95)(c) ~~above~~, and may be subject to other remedies available to Lane County for violation of the standards in LC 16.253(96) ~~above~~.

(d) Exceptions. The following uses and activities are excepted from the riparian setback area removal standards of LC 16.253(96)(b) ~~above~~.

(i) Commercial forest practices regulated by the Oregon Forest Practices Act.

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(ii) Removal of dead or diseased vegetation that poses a safety or health hazard, excluding removal of root wads.

(iii) Removal of vegetation necessary for the maintenance or placement of structural shoreline stabilization.

(iv) Normal and accepted farming practices other than buildings or structures occurring on land zoned for exclusive farm use.

(v) Riparian enhancement projects replanted with indigenous vegetation approved by the ~~Soil and Water Conservation District (SWCD)~~ after consultation with the ~~ODFW Oregon Department of Fish and Wildlife~~.

(vi) Removal of non-native vegetation and replacement with native plant species;

(vii) Removal of vegetation necessary for the development of water-related or water-dependent uses.

(ix) Permanent alteration of the riparian area by the placement of structures or impervious surfaces upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

(e) Alternative Standards for Development and Vegetation Removal in the Riparian Setback Area Modifications. Compliance with the structural development prohibition in LC 16.253(9)(b) and the vegetation removal standards of LC 16.253(5) is required unless the following alternative standards are met, and A modification to the applicable riparian setback standard in LC 16.253(6)(a) for a structure may be allowed provided the ODFW is consulted by the Planning Director at least 10 working days prior to the initial permit decision and an application for a modification to the setback applying the alternative standards has been submitted pursuant to LC 14.050040 and approved by the Planning Director pursuant to the requirements of LC 14.100030(1)(b), with findings of compliance addressing the following criteria:

(i) It can be demonstrated that the property was incorrectly identified as meeting the criteria of LC 16.253(96)(a)(i)&(ii), above.

(ii) It can be demonstrated that the lot or parcel has been rendered not developable for the primary use allowed in the base zone, by application of the riparian setback standards of LC 16.253(96)(a) to a lot or parcel that was lawfully created prior to June 2, 2004, the adoption of LC 16.253(96)(a) with Ordinance No. 5-04. Approval of development under this provision must meet the following standards:

(aa) Due to topography, parcel size or configuration, or significant resource limitations, all options for development outside of the setback area are physically impracticable.

(bb) All development mustshall be located to the greatest degree practicable outside of the riparian setback area. The request mustshall be the minimum necessary to render the property developable.

(cc) The need to apply the alternative standards for development and vegetation removal in the riparian setback area ~~modification~~ is not the result of a self-created hardship. After June 2, 2024, the date of adoption of LC 16.253(96) with Ordinance No. 5-04, the reconfiguration of a lot or parcel as a result of a lot or property line adjustment, in whole or part within the riparian setback area, isshall be determined to be a self-created hardship by the creator and subsequent property owners.

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(dd) Mitigation measures ~~must~~shall be taken to minimize to the greatest degree practicable any impact to habitat units or habitat values of the setback area by development actions in the setback area.

(ee) Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary may be authorized upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case ~~will~~shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. *(Revised by Ordinance No. 10-92, Effective 11.12.92; 5-96, 11.29.96; 1-97, 4.4.97; 10-04, 6.4.04; 5-04, 7.1.04; 2-12, 7.4.13; 20-05, 6.16.20)*

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**GREENWAY DEVELOPMENT PERMIT
 RURAL COMPREHENSIVE PLAN**

16.254 Greenway Development Permit.

(1) Purpose. To establish Greenway Development procedures for certain land use activities as required by the Statewide Willamette River Greenway Goal and the Lane County Willamette River Greenway Plan.

(2) Definitions. For the purposes of this section, except as otherwise provided below, the definitions provided in LC 16.090 and the Goal adopted by the Oregon Land Conservation and Development Commission ~~must~~**shall** be used:

(a) Ordinary High Water Line. The high water ~~line~~**level** is defined as ~~set forth in LC 16.090, that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two year frequency flood as determined by the U. S. Army Corps of Engineers.~~**set forth in LC 16.090.**

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

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

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

(e) Greenway Development Permit; Permit. A permit authorized pursuant to this section or pursuant to a permit authorized in accordance with the provisions of prior Greenway Permit Ordinance Nos. 4-76 and 11-76.

(f) Change of Use. Making a different use of the land or water than that which existed on December 5, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use ~~does~~**shall** not include the completion of a structure for which a valid permit has been issued as of December 5, 1975. The sale of property is not in itself considered to be a change of use. An existing open storage area ~~will~~**shall** be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures or the construction or placement of such subsidiary

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structures or facilities as are usual and necessary to the use and enjoyment of existing improvements ~~will~~**shall** not be considered a change of use for the purposes of this section.

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

(h) Develop. To construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels or to create or terminate rights of access.

(i) Development. To act, process or result of developing.

(j) Boundaries. The boundaries for the Willamette River Greenway are those adopted by the Land Conservation and Development Commission in 1977, together with any changes when and as approved by LCDC.

(k) Vegetation Removal/Removal of Vegetation. As is defined in LC 16.090.

(3) Uses and Activities Subject to Greenway Development Permits. ~~Except as provided in LC 16.254 (3)(a) through (l),~~ Greenway Development Permits ~~are~~**shall be** required for new intensifications, change of use or developments allowed in applicable zones, including public improvements and including partitions and subdivisions as defined and reviewed according to LC Chapter 13 procedures, which are proposed for lands within the boundaries of the Willamette River Greenway adopted and as revised from time to time by the Oregon Land Conservation and Development Commission.**except as provided below:**

(a) Customary dredging and channel maintenance conducted under permit from the State of Oregon.

(b) Seasonal increases in gravel operations as provided under permit from the State of Oregon.

(c) The placing by a public agency of signs, markers, aids, etc. to serve the public.

(d) Activities to protect, conserve, enhance and maintain public lands, except that a substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands ~~shall~~ require review as provided by this section.

(e) Erosion control operations required in emergency situations for the safety and protection of property.

(f) Construction or use of a building other than a dwelling whether or not within 150 feet of the ordinary low waterline when the building is customarily provided in conjunction with a farm use; provided the structure does not exceed 12 feet in height nor exists for longer than six months.

(g) Farm use.

(h) Reasonable emergency procedures necessary for the safety or protection of property.

(i) Maintenance and repair usual and necessary for the continuance of an existing use. Landscaping, construction of driveways, modification of existing structures or facilities adjacent to a residence as are usual and necessary to such use and enjoyment.

(j) The propagation of timber or the cutting of timber which is done for public safety or personal noncommercial use.

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(k) Irrigation pumps and water intakes and other utility lines in conjunction with an agricultural use.

(l) Uses which are pursuant to one of the following Lane County Land Development actions when such action has been approved or adopted consistent with the Greenway Development Permit approval requirements of 16.254(54) ~~below~~ and notification requirements of LC 16.254(7) ~~below~~.

(i) Planned Unit Developments, as provided in 10.700.

(ii) Unzoned Area Development Permits, as provided in LC 9.700.

(4) Greenway Development Standards for the Development of Housing. Approval of housing, as defined by LC 16.090, in the greenway requires a Type I application pursuant to LC Chapter 14. An application for the development of housing must satisfy the following standards, unless an applicant seeks approval under the criteria set forth in LC 16.254(5).

(a) Removal of vegetation is limited to an area within 40 feet of the center of a dwelling, not including vegetation removal for up to a 16-foot wide area for driveway access extending from a property boundary to a dwelling. The center of the dwelling is measured from the geographic center of a rectangle that encompasses the entirety of the roofline of the structure and that is not larger than the full extent of the roofline.

(b) The development footprint, including decks, stairs and porches, must be outside of a 300-foot setback from the river's ordinary high water. Footprint means where the foundation of the dwelling, the skirting for a manufactured dwelling, or an enclosed area meets the ground.

(c) The property proposed for development under this section must not be included on the Lane County inventory of historic resources or within an area designated by the State Historic Preservation Office as containing archeological sites.

(d) The development of housing and associated vegetation removal must be located outside of the special flood hazard area as defined by LC 16.244.

(54) Greenway Development Permit Approval. Except for applications for housing as described in LC 16.254(4), a decision to approve a Greenway Development Permit ~~shall~~ requires a Type II land use application pursuant to LC Chapter 14 and findings that the proposed intensification, change of use or development conforms to the ~~following~~ criteria, and setback requirements:

(a) Criteria.

(i) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space ~~must~~ ~~shall~~ be provided between the activity and the river and the development provides for the reestablishment of vegetative cover where it will be significantly removed during the process of land development.

(ii) Public access to and along the river either is not necessary or the necessary access will be provided by appropriate legal means.

(iii) Preserve and maintain land inventoried as "agriculture" in the adopted Willamette River Greenway Plan for farm use, as provided for in Goal 3 and minimize interference with the long-term capacity of lands for farm use.

(iv) Protect, conserve or preserve significant scenic areas, viewpoints and vistas.

(v) Harvest timber in a manner that wildlife habitat, riparian and other significant vegetation and the natural scenic qualities of the Greenway will be

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preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

(vi) Minimize vandalism and trespass.

(vii) Locate development away from the river to the greatest possible degree.

(viii) Protect significant fish, wildlife habitat and natural areas.

(ix) Is compatible with the Willamette River Greenway based upon the following considerations:

(aa) A development which is a mining or a mineral extraction and/or processing operation must include mining or extraction and/or processing methods which are designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation.

(bb) Protection, preservation, rehabilitation, reconstruction or restoration of significant historic and archeological resources.

(cc) Preserve areas of annual flooding, floodplains and wetlands.

(dd) Protection, conservation or preservation of areas along the alluvial bottomlands and lands with severe soil limitations from intensive development.

(ee) Consideration of the impacts from consumptive uses of water (i.e., domestic, agriculture, industrial) and non-consumptive uses (i.e., recreation and natural resources) in efforts of maintaining sufficient flows to support water users.

(ff) Sustenance and enhancement of water quality by managing or controlling sources of water pollution from uses, such as domestic and industrial wastes, agricultural and timber runoff, septic tank seepage, gravel operations and other intermittent sources.

(gg) Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife; protect natural areas; anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass; and to control pollution sources to the river.

(hh) Protection from erosion.

(ii) Protection and conservation of lands designated as aggregate resources within the adopted Willamette Greenway Plan.

(b) Setback Requirement; Exceptions. New intensifications, developments and changes of use ~~must~~ be set back 100 feet from ordinary high waterline of the river, Except for a water related or water dependent use.

~~(65)~~ Conditions. Reasonable conditions may be imposed in connection with a Greenway Development Permit as necessary to meet the purposes of this section, ~~except for applications for housing as described in LC 16.254(4)~~. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

(a) Special yards and spaces.

(b) Fences and walls.

(c) Special off street parking and loading requirements.

(d) Street and road dedications and improvements (or bonds).

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

(f) Special provisions on signs.

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- (g) Landscaping and maintenance thereof.
- (h) Maintenance of grounds.
- (i) Control of noise vibration, odors or other similar nuisances.
- (j) A time period within which the proposed use mustshall be developed.
- (k) A limit on total duration of use.
- (l) Control of scale, bulk and coverage of proposal.

~~(6) Application and Review Procedure. Application for a Greenway Development Permit shall be made pursuant to the Type II procedures of LC Chapter 14.~~

~~(77) Additional Notice.~~ Immediate notice of an application mustshall be given the State Department of Transportation by certified mail, return receipt requested, and provision mustshall be made to provide notice to any individual or group requesting notice in writing. Notice of the action taken by Lane County on an application mustshall be furnished by regular mail to the State Department of Transportation.

~~(88) Conflicting Provisions.~~ In the case of any conflict between the provisions of this section and other provisions in Lane Code, the more restrictive provisions mustshall apply.

~~(99) Non-authority for Public Use of Private Property.~~ Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

~~(100) Nonconforming Uses.~~ Except as modified in this section, LC 16.251(1) to (8) ~~shall~~ appliesy to properties within the Willamette Greenway Boundaries. Any change or intensification as those terms discussed in LC 16.254(2)(f) and (g) ~~above~~ of a nonconforming use mustshall be prohibited unless a Greenway Development Permit is issued for it. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 5-96, 11.29.96; 18-07, 12.21.18; 20-05, 6.16.20)*

COMMUNITY RESIDENTIAL ZONE (CR) RURAL COMPREHENSIVE PLAN

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16.285 Community Residential (CR-RCP)

(1) Purpose.

The purposes of the Community Residential Zone (CR) are:

- (a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands within unincorporated communities. LC 16.285 does not apply to lands designated by the RCP as non-resource lands;
- (b) To promote a compatible and safe rural community residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;
- (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and
- (d) To provide that LC 16.285 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.285 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.285 was applied to the subject property.

(2) All development.

A 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.

(3) Use Table.

Table of Permitted Uses

Table 16.285-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the community flex-use districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.285-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.285-1:

- (a) Uses:

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- (i) “A” means the use is outright allowed or permitted subject to standards.
- (ii) “C” means the use is a Conditional Use, subject to Section (5)
- (iii) “X” means use is not allowed.
- (b) Procedures:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
 - (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
 - (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
 - (v) “AL” means Assembly License, subject to LC 3.995.
 - (vi) “X” means no new use is allowed.
- (c) The “Subject To” column identifies any specific provisions of LC 16.285 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.285(7).
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4). “...discretionary approval of a proposed development of land...” An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.285-1: Use Table for CR Zones

I = Type I II = Type II III = Type III

P = Permitted Outright AL = Assembly License X = Prohibited

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Use		Use Type	Local Procedure	Subject To
1.	Residential			
1.1	Placement, alteration, and maintenance of up to two Single-Family Dwellings; attached or detached, or up to two manufactured dwellings, or a Two-Family Dwelling on a lot or parcel	A	P	
1.2	Accessory Dwelling Unit	A	I	(4)(a)
1.3	Temporary Medical Hardship	A	I	(4)(b)
1.4	Bed and breakfast	A	P	(4)(c)
1.5	One residential home	A	P	
1.6	One Family child care home	A	P	(4)(g)
1.7	One group home	A	P	
1.8	One nursing home	A	P	
1.9	Minor home occupation	A	P	(4)(d)
1.11	Guest house	A	P	(4)(f)
1.12	Mobile home park existing on a property prior to 1984	A	P	(4)(i)
1.10	Home occupation	C	II	(4)(e), (5)
2.	Public Facility			
2.1	Public and semipublic buildings and structures	A	P	
2.2	Churches	A	P	
2.3	Parks, playgrounds, outdoor community	A	P	

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	gathering places, paths or trails			
2.4	Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).	A	P	
2.5	Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).	C	II	(5), LC 16.265
2.6	Changeout to an existing telecommunication tower	A	I	LC 16.264
2.7	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
2.8	Collocation to an existing telecommunication tower	C	II	LC 16.264
2.9	New telecommunications tower or replacement tower	C	III	LC 16.264
2.10	Uses similar to permitted uses above	C	II	(5)
3.0	Other			
3.1	Farm uses	A	P	(4)(j)
3.2	Forest uses	A	P	(4)(k)
3.3	Roadside stand	A	P	(4)(l)
3.4	Noncommercial dog kennels	A	P	(4)(m)
3.5	Commercial kennel or commercial breeding kennel	C	II	(4)(n)

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3.6	Rock, sand, gravel or loam excavation or extraction	A	P	
3.7	Fish and wildlife habitat management	A	P	
3.8	Structures accessory to the primary use, including convenience and decorative elements	A	P	
3.9	Uses similar to permitted uses above	C	II	(5)
4.0	Outdoor Gatherings			
4.1	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
4.2	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	C	III	ORS 433.735-760
4.3	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type	C	III (LCPC)	(4)(o)

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	III Hearings Official review			
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(4) Use Standards

(a) Accessory Dwelling Units.

- (i) Definitions. For the purposes of LC 16.285(4)(a), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:
 - (aa) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single family dwelling or duplex.
 - (bb) “Area zoned for community residential use” means lands that are zoned Community Residential (CR, RCP), not located inside an urban growth boundary as defined in ORS 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.
 - (cc) “Historic home” means a single-family dwelling constructed between 1850 and 1945.
 - (dd) “New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation or remodeling of an existing structure.
 - (ee) “Usable floor area” means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.
 - (ff) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a

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hotel or motel, that has all of the following characteristics:

- (A) The occupant rents the unit for vacation purposes only, not as a principal residence;
 - (B) The occupant has a principal residence other than at the unit; and
 - (C) The period of authorized occupancy does not exceed 45 days.
- (ii) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (k) or (l) below and provided:
- (aa) The lot or parcel is at least one acres in size;
 - (bb) At least one single-family dwelling or duplex is sited on the lot or parcel;
 - (cc) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;
 - (dd) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,
 - (ee) The ADU must comply with the property development standards of LC 16.285(7).
 - (ff) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling or duplex is situated on a different lot or parcel than the ADU may not be approved.
 - (gg) Only one ADU as defined by LC 16.285(4)(a)(i)(aa) is allowed on a qualifying lot or parcel.
 - (hh) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.
 - (ii) The provisions of LC 16.285(4)(a) do not apply to guest houses or accessory residential structures, as allowed by LC 16.285(4)(f).
 - (jj) ADUs located on lots or parcels within the boundaries of an area designated by the Rural

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Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(kk) An ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(aa) through (jj) and must meet all of the following standards:

- (A) The ADU will be located no farther than 100 feet from an existing single family dwelling or duplex, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.
- (B) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.285(4)(a)(i)(ee).
- (C) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.
- (D) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.
- (E) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.
- (F) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.
- (G) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses

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under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

- (H) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.285(4)(a)(i)(ff).
- (I) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).
- (J) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - (i-i) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or
 - (ii-ii) No statewide wildfire hazard map has been adopted.
- (K) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.
- (II) Conversion of a historic home to an ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(aa) through (jj) and provided:
 - (A) The owner of a lot or parcel within an area zoned for community residential use constructs a new single-family dwelling or duplex;

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- (B) A historic home, as defined by LC 16.285(4)(a)(i)(c), is sited on the lot or parcel;
- (C) The owner converts the historic home to an ADU upon completion of the new single-family dwelling or duplex; and,
- (D) ADUs established pursuant to LC 16.285(4)(a)(ii)(II) may not be:
 - (i-i) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new single-family dwelling commenced.
 - (ii-ii) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section.
- (b) Temporary Medical Hardship- Not more than one manufactured home, recreational vehicle or the temporary residential use of an existing building on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

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- (i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.
- (ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary hardship dwelling; or
- (iii) A resident of the temporary hardship dwelling is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece, or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.
- (iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:
 - (aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;
 - (bb) Any family relationship between the person with the hardship and the person who will provide care; and
 - (cc) The general nature of the care that will be provided.
- (v) The temporary hardship dwelling shall be located on the same lot or parcel as the existing dwelling, manufactured home, or duplex.
- (vi) The hardship dwelling shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home, or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary dwelling may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the

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physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

- (vii) The temporary dwelling shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.
- (viii) The temporary hardship dwelling shall not be allowed if there is an accessory dwelling unit or guest house on the same lot or parcel.
- (ix) Except as provided in LC 16.285(4)(b)(x) below, approval of a temporary hardship dwelling permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.
- (x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary hardship dwelling, the hardship dwelling shall be removed from the property, converted to an allowable nonresidential use or demolished.
- (c) Bed and Breakfast. Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.
- (d) Minor Home Occupation. A minor home occupation and/or a home office that comply with these conditions:
 - (i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.

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- (ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; storage areas that are screened from being visible from streets and adjacent properties and maintenance of minor home occupation vehicles .
- (iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.
- (iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.
- (v) The operation of sound producing tools, machinery and devices shall comply with LC 6.225 PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not produce "Plainly Audible Sound," as defined by LC 6.225.005, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.
- (vi) The operation of the minor home occupation shall comply with LC 9.570 NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.
- (vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.
- (viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles

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on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home office under LC 16.285(4)(d)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

- (ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.
- (x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.
- (e) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.285(4)(e)(i) through (vi) below and where applicable elsewhere in LC Chapter 16.
 - (i) The purposes of LC 16.285(4)(e) are:
 - (aa) To provide rural property owners with opportunities to work at home and to operate home occupation on their Community Residential zoned land;
 - (bb) To assure that the operation of home occupation will be compatible with nearby uses;
 - (cc) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and
 - (dd) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.
 - (ii) It shall be operated by a resident of the subject property.

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- (iii) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.
- (iv) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.285(3) above. Any structure that would not otherwise be allowed by LC 16.285(2) above shall not be allowed for use as a home occupation. LC 16.285(4)(e) above shall be implemented, in part, through compliance with these requirements:
 - (aa) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; storage areas that are screened from being visible from streets and adjacent properties; and outdoor accessory uses similar to the above as determined by the Approval Authority.
 - (bb) To determine if a structure is one that would not otherwise be permitted by LC 16.285(3) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.285(3), then the home occupation shall not be allowed.
 - (cc) The amount of building floor area of home occupation shall not exceed 4,000 square feet for any parcel or lot located inside an unincorporated community.
- (v) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.285(3) above on nearby parcels without residences. Compliance with LC 16.285(4)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:
 - (aa) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

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- (bb) Buffering or screening from being visible from streets and adjacent properties of outdoor storage allowed under LC 16.285(4)(e)(iv)(aa) above;
 - (cc) Fire safety;
 - (dd) The hours of operation;
 - (ee) Any noise or odors;
 - (ff) Outdoor lighting; and
 - (gg) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.
- (vi) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.
- (f) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:
 - (i) The total floor area of the structure is no more than 850 square feet;
 - (ii) The structure does not contain a kitchen.
 - (iii) The structure is located on a lot or parcel that has a lawfully existing dwelling or duplex on it and that does not have two

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or more permanent dwellings, a guest house or another accessory residential structure on it;

- (iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and
- (v) The structures shall not have an address.
- (vi) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:
 - (aa) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;
 - (bb) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;
 - (cc) The address shall be removed from the guesthouse and not replaced;
 - (dd) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling.
- (g) Family child care home. A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.
- (h) Child care center. A child care facility, other than a family child care home, that is certified under ORS 329A.280(3).

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- (i) Lawfully existing mobile home park. For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required in LC 16.285(7), and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapters 918-600.
- (j) Farm uses. Subject to conditions and limitations provided herein:
 - (i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
 - (aa) One horse, cow or swine per acre;
 - (bb) One goat or sheep per half acre;
 - (ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.
 - (iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 20 feet from any property line.
- (k) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.
- (l) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.
- (m) Noncommercial dog kennels, subject to conditions and limitations provided herein:
 - (i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.
 - (ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months shall be eight.

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- (iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.
 - (iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.
- (n) Commercial dog kennel or commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.
- (o) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.

(5) Conditional Use Review Criteria.

Approval Criteria. Uses and development listed as Conditional in Table LC 16.285(3)-1, except for telecommunication facilities allowed in LC 16.285(3)(2.4)-(2.7) above, shall comply with the requirements in LC 16.285(5) below. Telecommunications facilities allowed by LC 16.285(3)(2.4)-(2.7) above shall comply with the requirements in LC 16.264.

- (a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
- (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;
- (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and

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sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and

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

(6) Area

The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

- (a) The minimum area requirement for the creation of lots or parcels for residential purposes shall be one (1) acre. An exception to this area requirement may be pursuant to LC 16.285(6)(b) below.
- (b) The creation of new parcels smaller than the minimum area required by LC 16.285(6)(a) above may be allowed if all of these conditions exist:
 - (i) The parcel to be divided contains less than the minimum area needed by LC 16.285(6)(a) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;
 - (ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;
 - (iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;
 - (iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;
 - (v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and
 - (vi) "Habitable dwelling" means a dwelling, that:
 - (aa) Has intact exterior walls and roof structure;

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

(7) Development Standard.

All uses or development permitted by LC 16.285(3), except as may be provided therein, shall comply with the following development standards:

- (a) Property Line Setbacks. Structures other than a fence or sign shall be located:
 - (i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;
 - (ii) At least 10 feet from all other property lines;
 - (iii) Notwithstanding LC 16.285(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 5-foot setback otherwise required by LC 16.285(7)(a)(i) above provided it complies with LC 16.285(7)(c) below.
- (b) The setback for property lines other than front-yard shall be five (5) feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.
- (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(96), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), 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(~~52~~) or LC 16.253(~~96~~), as applicable.
- (e) Height. None.
- (f) 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.

16.286 Community Flex Use (CFU-RCP)

(1) Purpose.

The purpose of the Community Flex Use (CFU-RCP) Zone is to allow maximum flexibility in residential, commercial, and light industrial uses within an unincorporated community boundary that is more densely developed than typically allowed in rural Lane County. The CFU zone is also intended to allow for development flexibility.

The minimum parcel size and other standards established by this zone are intended to promote a tight-knit rural community character.

(2) All Development.

A proposed use or 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.

(3) Use Table:

Table of Permitted Uses

Table 16.286-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the community flex use districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.286-1. All uses and their accessory buildings are subject to

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the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.286-1:

- (a) Uses:
 - (i) “A” means the use is outright allowed or permitted subject to standards.
 - (ii) “C” means the use is a Conditional Use, subject to Section (5)
 - (iii) “X” means use is not allowed.
- (b) Local Procedures:
 - (i) “P” means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
 - (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
 - (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
 - (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
 - (v) “AL” means Assembly License, subject to LC 3.995.
 - (vi) “X” means no new use is allowed.
- (c) The “Subject To” column identifies any specific provisions of LC 16.286 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.286(7).
- (d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a “permit” as defined by ORS 215.402(4). “...discretionary approval of a proposed development of land...” An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the

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application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.286-1: Use Table for CFU Zones I = Type I II = Type II III = Type III P = Permitted Outright AL = Assembly License X = Prohibited				
Use		Use Type	Local Procedure	Subject To
1.	Residential			
1.1	Placement, alteration, and maintenance of up to two Single-Family Dwellings attached or detached, and/or manufactured dwellings, or a Two-Family Dwelling (Duplex) on a lot or parcel	A	P	
1.2	Placement, alteration, and maintenance of a Multiple Dwelling on a lot or parcel	A	P	(4)(b)
1.3	Accessory Dwelling Unit	A	I	(4)(c)
1.4	Guest House	A	P	(4)(d)
1.5	Temporary Medical Hardship	A	I	(4)(e)
1.6	Bed and breakfast	A	P	(4)(f)
1.7	One residential home, group home or nursing home	A	P	
1.8	Minor home occupation and/or home office	A	P	(4)(g)
1.9	Family child care home	A	P	(4)(h)
2.	Commercial			
2.1	Retail	A	I or II	(4)(a), (5)
2.2	Indoor or outdoor recreational activities	A	I or II	(4)(a), (5)

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	and supporting facilities			
2.3	Eating or drinking establishments	A	I or II	(4)(a), (5)
2.4	Service stations	A	I or II	(4)(a), (5)
2.5	Offices and personal business services	A	I or II	(4)(a), (5)
2.6	Child care center	A	P	(4)(i)
2.7	Churches	A	I or II	(4)(a), (5)
2.8	Cemeteries	A	I or II	(4)(a), (5)
2.9	Indoor and outdoor theaters, other spaces providing artistic or performance opportunities	A	I or II	(4)(a), (5)
2.10	Equipment rental and leasing service	A	I or II	(4)(a), (5)
2.11	Veterinarian clinics	A	I or II	(4)(a), (5)
2.12	Commercial kennel	C	II	(5)
2.13	Marijuana retail sales	C	II	(5), LC 16.420
2.14	Campground, glamping and camping vehicle park	C	II	(5)
2.15	Uses similar to permitted uses above	C	II	(4)(a), (5)
3.	Industrial			
3.1	Light industrial	C	II	(4)(j), (5)
4.	Agricultural			
4.1	Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses	A	P	(4)(k)
5.0	Public Uses and Facilities			
5.1	Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.	A	I or II	(4)(a), (5)

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5.2	Publicly oriented uses such as libraries, community centers, medical facilities, post offices, etc.	A	I or II	(4)(a), (5)
5.3	Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).	A	P	
5.4	Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).	C	II	(5), LC 16.265
5.5	Changeout to an existing telecommunication tower	A	I	LC 16.264
5.6	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
5.7	Collocation to an existing telecommunication tower	C	II	LC 16.264
5.8	New telecommunications tower or replacement tower	C	III	LC 16.264
5.9	An onsite sewage disposal system for a use on a nearby property	A	P	(4)(I)
5.10	Parks, playgrounds, outdoor community gathering spaces, picnic areas	A	I or II	(4)(a), (5)
5.11	Publicly oriented infrastructure such as bike parking and bike maintenance, public restrooms, paths or trails, outdoor tourist attractions featuring	A	P	

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	displays of education or historical value, etc.			
5.12	Community sewerage facilities and drainfields	A	I or II	(4)(a), (5)
5.13	Uses similar to permitted uses above	C	II	(4)(n), (5)
6.0	Other			
6.1	Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.286-1.	A	P	
6.2	Fish and wildlife habitat management	A	P	
6.3	Structures and uses accessory to the primary use, including convenience and decorative elements	A	P	
6.4	Parking Area not directly related to a primary use on the same development site	A	P	
7.0	Outdoor Gatherings			
7.1	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
7.2	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure	C	III	ORS 433.735-760

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	as provided in ORS 433.735-760			
7.3	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III	(4)(j)

(4) Use Standards

- (a) Commercial and Public Use Compatibility Standards. Commercial and public uses subject to LC 16.286(4)(a) must meet the standards below. An exceedance of any of the standards in (i) – (iii) below is subject to a Conditional Use Permit review under a Type II procedure, pursuant to Lane Code Chapter 14. The Conditional Use Permit is subject to the criteria of LC 16.286(5).
- (i) Parking - Does not need to follow parking minimums of LC 16.250 but any off-street parking must meet applicable local, state and federal regulations.
 - (ii) Air Quality - No external air emissions requiring a permit from an air quality public agency are allowed.
 - (iii) Outdoor Storage - Outdoor storage of materials or merchandise on a property with a commercial use must not encompass more than five percent of the property area, unless screened from being visible from streets and adjacent properties. For purposes of this provision, the property area will be considered the tax lot area.
 - (iv) Floor Space - One commercial use shall not exceed 4,000 square feet of floor space area. One building may contain multiple commercial uses.
- (b) Multiple Dwelling. Placement of a Multiple Dwelling is allowed where no other single-family dwelling, manufactured home or duplex exist on the property.
- (c) Accessory Dwelling Units.

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- (i) Definitions. For the purposes of LC 16.286(4)(d), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:
 - (aa) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling (attached or detached) or duplex.
 - (bb) “Historic home” means a single-family dwelling constructed between 1850 and 1945.
 - (cc) “New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation, or remodeling of an existing structure.
 - (dd) “Usable floor area” means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.
 - (ee) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
 - (A) The occupant rents the unit for vacation purposes only, not as a principal residence;
 - (B) The occupant has a principal residence other than at the unit; and
 - (C) The period of authorized occupancy does not exceed 45 days.
- (ii) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:
 - (aa) At least one single-family dwelling (attached or detached) or duplex is sited on the lot or parcel, but no more than a total of two dwelling units already exist on the lot or parcel;

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- (bb) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,
- (cc) The ADU must comply with the property development standards of LC 16.286(7).
- (dd) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling (attached or detached) or duplex is situated on a different lot or parcel than the ADU may not be approved.
- (ee) Only one ADU as defined by LC 16.286(4)(d)(i) and allowed by LC 16.286(3)(1.3) is allowed on a qualifying lot or parcel.
- (gg) The provisions of LC 16.286(4)(d) do not apply to guest houses or accessory residential structures.
- (hh) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
- (ii) An ADU in the community flex use zone is allowed subject to LC 16.286(4)(c)(ii)(aa) through (jj) and must meet all of the following standards:
 - (A) The ADU will be located no farther than 100 feet from the existing single-family dwelling (attached or detached) or duplex, measured from a wall of the dwelling to the nearest part of the usable floor area of the ADU.
 - (B) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.286(4)(d)(i)(dd).
 - (C) The existing single-family dwelling (attached or detached) or duplex on the lot or parcel is not subject to an order declaring it a nuisance

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or subject to any pending action under ORS 105.550 to 105.600.

- (D) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.
- (E) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.
- (F) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.
- (G) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.
- (H) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.286(4)(d)(i)(ee).
- (I) An existing single-family dwelling (attached or detached) or duplex and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).
- (J) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - (i-i) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

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- (ii-ii) No statewide wildfire hazard map has been adopted.
- (K) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.
- (jj) Conversion of a historic home to an ADU in the community flex use zone is allowed subject to LC 16.286(4)(d)(ii)(aa) through (hh) and provided:
 - (A) The owner of a lot or parcel within an area zoned for community flex uses constructs a new dwelling unit;
 - (B) A historic home, as defined by LC 16.286(4)(d)(i)(bb), is sited on the lot or parcel;
 - (C) The owner converts the historic home to an ADU upon completion of the dwelling unit; and,
 - (D) ADUs established pursuant to LC 16.286(4)(d)(ii)(jj) may not be:
 - (i-i) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new dwelling commenced.
 - (ii-ii) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any

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other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section.

- (d) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:
 - (i) The total floor area of the structure is no more than 850 square feet;
 - (ii) The structure does not contain a kitchen.
 - (iii) The structure is located on a lot or parcel that has a lawfully existing single-family dwelling (attached or detached) or duplex on it and that does not have three or more permanent dwellings, a guest house or another accessory residential structure on it;
 - (iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and
 - (v) The structure shall not have an address.
 - (vi) The conversion of a lawfully existing dwelling to an accessory residential structure or guest house is allowed if it complies with these requirements:
 - (aa) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;
 - (bb) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the

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kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

- (cc) The address shall be removed from the guesthouse and not replaced;
 - (dd) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential structure that cannot be separated from the remainder of the parcel that contains the dwelling
- (e) Temporary Medical Hardship- Not more than one manufactured home, recreational vehicle or the temporary residential use of an existing building on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:
 - (i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.
 - (ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary hardship dwelling; or
 - (iii) A resident of the temporary hardship dwelling is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

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- (iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:
 - (aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;
 - (bb) Any family relationship between the person with the hardship and the person who will provide care; and
 - (cc) The general nature of the care that will be provided.
- (v) The temporary hardship dwelling shall be located on the same lot or parcel as the existing dwelling, manufactured home, or duplex.
- (vi) The hardship dwelling shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home, or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary hardship dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary dwelling may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.
- (vii) The temporary hardship dwelling shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.
- (viii) The temporary hardship dwelling shall not be allowed if there is an accessory living structure, as defined by LC 16.286(4)(d), on the same lot or parcel.
- (ix) Except as provided in LC 16.286(4)(e)(x) below, approval of a temporary hardship dwelling 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

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the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

- (x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary hardship dwelling, the hardship dwelling shall be removed from the property, converted to an allowable nonresidential use or demolished.
- (f) Bed and Breakfast. Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.
- (g) Minor home occupation.
 - (i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.
 - (ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; storage areas that are screened from being visible from streets and adjacent properties and maintenance of minor home occupation vehicles.
 - (iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.
 - (iv) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion

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or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

- (h) Family child care home. A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.
- (i) Child care center. A child care facility, other than a family child care home, that is certified under ORS 329A.280(3).
- (j) Light industrial. Land uses that are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, research and development, wholesaling, and warehousing. Such uses do not typically have significant potential for major pollution, adverse visual impacts, or nuisance or hazard factors. Activities are generally located indoors in either office space or warehouse-type space, with some outdoor storage anticipated as accessory to the interior functions. Light industrial uses do not include uses such as mining and extracting industries, petrochemical industries, rubber refining, or primary metal works.
 - (i) Light Industrial uses may occur in one or more buildings containing not more than 40,000 square feet per use.
- (k) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject CFU zoned property:
 - (i) One goat, sheep, llama or alpaca per 8,000 square feet not including offspring younger than 6 months old from one of the female animals being counted.
 - (ii) 10 chickens, other fowl or rabbits per 8,000 square feet.
 - (iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 8,000 square feet of lot area and shall be located no closer than 15 feet from any property line.
 - (iv) One horse, cow, or swine per acre not including offspring younger than 6 months old from one of the female animals being counted.
- (l) An onsite sewage disposal system for a use on an adjacent property. The property shall be contiguous along a boundary or a point of the subject property including those separated by the right-

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of-way of a road. The sewage disposal system on an adjacent property must be accompanied by a perpetual access and maintenance easement.

- (m) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following 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.
- (n) Uses Similar. A Uses Similar finding shall be made by the Planning Director, upon request of an applicant. It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination. Such a finding shall apply the following criteria:
 - (i) Use is consistent with the purpose and intent of the District.
 - (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
 - (aa) Bulk, size, and operating characteristics of the proposed use.
 - (bb) Parking demand, customer types and traffic generation.
 - (cc) Intensity of land use of the site.
 - (dd) Potential demand for public facilities and services.
 - (ee) Products or services produced or vended on or from the site.

(5) Conditional Use Review Criteria:

Approval Criteria. Uses and development listed as Conditional in LC 16.286(3), except for telecommunication facilities allowed in LC 16.286(3)(5.5)-(5.8), shall

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comply with the requirements in LC 16.286(5) below. Telecommunications facilities allowed by LC 16.286(3)(5.5)-(5.8) above shall comply with the requirements in LC 16.264.

- (a) The proposed use and development shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
- (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;
- (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and
- (d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area

- (a) The minimum area requirement for the creation of lots or parcels shall be 8,000 square feet.
- (b) The minimum area requirement for lots or parcels shall be 5,000 square feet if evidence is provided that it may be served by a sewer system, community drainage system or a shared private wastewater system off-site.

(7) Development Standards:

All uses or development permitted by LC 16.286(3), except as may be provided therein, shall comply with the following development standards:

- (a) Property Line Setbacks. Structures other than a fence or sign shall be located:
 - (i) At least 5 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;
 - (ii) At least 5 feet from all other property lines, 0 feet if the structures are attached across properties;

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- (iii) Notwithstanding LC 16.286(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 5-foot setback provided it complies with LC 16.286(7)(b) below.

(b) Riparian Setback Area

- (i) 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(~~96~~), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area ~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(~~63~~) or LC 16.253(~~96~~), as applicable, are met.
- (ii) 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(~~52~~) or LC 16.253(~~96~~), as applicable.

(c) Height

- (i) Maximum building or structure height of 40 feet, with the exception of telecommunication facilities as regulated by LC 16.264.
- (ii) Buildings and structures may be over 40 feet with information from a Fire Protection District confirming the building or structure can be adequately served by the firefighting equipment of the agency providing fire protection.
- (iii) 10-foot minimum floor-to-floor height.

(d) Lighting and Signs

- (i) Exterior lighting must be directed downward and shielded by enclosure within a full cutoff fixture. A cutoff fixture is one

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that prevents the light from being directly visible at or above 90 degrees from the light source.

- (ii) Signs must not extend over a public right-of-way or project beyond the property line.
- (iii) Signs may not be illuminated between the hours of 10 pm and 7 am and in no case be flashing or capable of movement.
- (iv) Individual signs are limited to 200 square feet. In no case may total signage on a property exceed one square foot per foot of right-of-way frontage.
- (v) The height of a ground mounted sign may not exceed 15 feet in height. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the average finish grade shall be used to measure the height.
- (vi) The height of an attached sign shall not exceed the ridgeline of the building or the top of the false façade.

(e) Parking

- (i) For residential uses, off-street parking shall be provided in accordance with LC 16.250(1).
- (ii) For all other uses, there is no minimum off-street parking requirement.

(8) Additional Subdivision Provisions.

Subdivisions, as defined by Lane Code 13.030(3)(kk), in the CFU zone are subject to the following provisions in addition to Lane Code Chapter 13 and any other applicable regulations. The goal of the additional subdivision provisions is to promote safe, comfortable transportation conditions for all modes, enhance bikeability and walkability, and integrate roadway standards better suited for unincorporated communities.

- (a) Internal Road Design: New roads or extension of existing roads created as a result of a subdivision within the CFU zone are subject to the following standards:
 - (i) Be developed as Local Access Roads (LAR) if generated average daily traffic (ADT) is 100 or less and be

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accompanied by a perpetual maintenance agreement subject to Lane Code Chapter 15.

- (ii) Be developed as Rural Local Roads if generated ADT is above 100, subject to Lane Code Chapter 15.
 - (iii) The subdivision shall be configured to utilize a street grid pattern with street connections and access points as close to 90 degrees as feasible when considering local terrain, slopes, natural hazards, and existing development.
- (b) Additional Standards: The following subdivision standards are not approval criteria but are strongly encouraged:
 - (i) New roads created as a result of the subdivision should be designed in the most efficient manner to allow emergency services and efficient use of land; and,
 - (ii) Opportunities for connective pedestrian infrastructure such as sidewalks and pathways for multi-modal transportation and for recreation should be considered within the subdivision and where connections can be made to existing or planned infrastructure offsite on contiguous properties.

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CHAPTER 16 CONTENTS

RURAL RESIDENTIAL ZONE (RR) RURAL COMPREHENSIVE PLAN

16.290 Residential Zone (RR).

RURAL COMMERCIAL ZONE (RC, RCP)

16.291 Rural Commercial Zone (RC, RCP).

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RURAL RESIDENTIAL ZONE (RR) RURAL COMPREHENSIVE PLAN

16.290 Residential Zone (RR).

- (1) Purpose. The purposes of the Rural Residential Zone (RR) are:
 - (a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;
 - (b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;
 - (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and
 - (d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.
- (2) Permitted Uses. The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:
 - (a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.
 - (b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:
 - (i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or
 - (ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.
 - (iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.
 - (iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.
 - (c) Not more than one duplex on a lot or parcel that:
 - (i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;
 - (ii) Does not have a dwelling, manufactured dwelling or duplex on it; and
 - (iii) Contains at least the minimum area required by LC 16.290(6)(b) below.
 - (d) Not more than one manufactured home or recreational vehicle on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

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(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary manufactured home or recreational vehicle; or

(iii) A resident of the temporary manufactured home or recreational vehicle is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary manufactured home or recreational vehicle shall be located on the same lot or parcel as the existing dwelling, manufactured home or duplex.

(vi) The temporary manufactured home or recreational vehicle shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary manufactured home or recreational vehicle may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary manufactured home or recreational vehicle shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary manufactured home or recreational vehicle shall not be allowed if there is an accessory living structure, as defined by LC 16.290(2)(t)(i) through (vi) below, on the same lot or parcel.

(ix) Except as provided in LC 16.290(2)(d)(x) below, approval of a temporary manufactured home or recreational vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary manufactured home or recreational vehicle, the manufactured home or recreational vehicle shall be removed from the property, converted to an allowable nonresidential use or demolished.

(e) Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period,

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not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(f) Not more than one residential home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.

(g) Not more than one child care facility (for a maximum of ten children younger than 13 years of age) that is registered with the State Child Care Division in compliance with ORS 657A.330, or not more than one group child care home (for seven or more children and not more than twelve children) that is certified by the State Child Care Division in compliance with ORS 657A.280, on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above.

(h) A minor home occupation and/or a home office that comply with these conditions:

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

(ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 6.225 PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not produce "Plainly Audible Sound," as defined by LC 6.225.005, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the minor home occupation shall comply with LC 9.570 NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home

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office under LC 16.290(2)(h)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.

(i) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject RR zoned property:

(i) One horse, cow or swine per acre not including offspring younger than 6 months old from one of the female animals being counted; or

(ii) One goat, sheep, llama or alpaca per half acre not including offspring younger than 6 months old from one of the female animals being counted. The number of llamas or alpacas per acre may be increased to 4 llamas or alpacas per acre for every acre in the lot or parcel above 2 acres; or

(iii) 85 chickens, other fowl or rabbits per acre.

(iv) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 50 feet from any property line.

(j) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.

(k) Fish and wildlife habitat management.

(l) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.

(m) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(n) Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.

(o) Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.290.

(p) The outdoor operation of motorized vehicles, motorized recreational devices or the discharging of firearms when performed primarily by persons who reside in the dwelling, or relatives of the persons who reside in the dwelling, and located on the tract where the uses occur. 'Relative' means grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece or nephew. These outdoor recreational uses shall comply with LC 6.225 PROHIBITED NOISE for prohibited noise.

(q) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(r) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(i) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;

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(ii) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(iii) The address shall be removed from the guesthouse and not replaced;

(iv) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling; and

(s) Rock, sand, gravel or loam excavation or extraction if the materials excavated or extracted are used solely on the subject property and are not offered for sale or remuneration

(t) Residential Accessory Structures and Uses. Uses and development that are accessory to uses and development allowed by LC 16.290(2) above or (3) through (4) below such as, but not limited to: outdoor recreation, garages, storerooms and utility spaces, sheds, playhouses, greenhouses, hobby shop, and animal or pet shelters

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

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

(ii) The structure does not contain a kitchen.

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

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

(v) The structure shall not have an address.

(v) Not more than one (1) accessory dwelling unit on a lot or parcel, consisting of at least 2 acres and meeting the standards of LC 16.290(8). The provisions of LC 16.290(2)(u) above do not apply to accessory dwelling units, as allowed by this subsection and LC 16.290(8).

(w) Not more than one (1) recreational vehicle used for residential purposes on a lot or parcel that is subject to a residential rental agreement and meets the standards of LC 16.290(9).

(3) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.290(3)(b) through (f) below and where applicable elsewhere in LC Chapter 16.

(a) The purposes of LC 16.290(3) are:

(i) To provide rural property owners with opportunities to work at home and to operate home occupation on their Rural Residential zoned land;

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

(iii) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

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(iv) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(b) It shall be operated by a resident of the subject property.

(c) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(d) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.290(2) above. Any structure that would not otherwise be allowed by LC 16.290(2) above shall not be allowed for use as a home occupation. LC 16.290(3)(d) above shall be implemented, in part, through compliance with these requirements:

(i) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(ii) To determine if a structure is one that would not otherwise be permitted by LC 16.290(2) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.290(2), then the home occupation shall not be allowed.

(iii) The amount of building floor area of home occupation shall not exceed:

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

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

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.

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(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16.

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

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

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

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

(e) Radio and television transmission facilities.

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

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

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

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

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

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

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

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

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

(i) Shall be located at least:

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

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

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

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

(l) Cemeteries. A "cemetery" is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundary of such cemetery but not including crematoriums or mortuaries,

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

(n) Golf courses.

(o) Lodges and grange halls that:

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

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

(p) Parks, playgrounds, community centers.

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

(r) Storage facilities for boats and recreational vehicles.

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

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

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

(aa) Goods or services traded from the site;

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

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

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- (dd) Intensity of land use of the site.
- (iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.
- (iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
- (t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).
- (u) Stables, riding academies or commercial riding.
- (5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.
 - (a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
 - (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;
 - (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and
 - (d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:
 - (a) For RR zoned areas that are located inside developed and committed areas and outside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 2, 5 or 10 acres as indicated by the Lane County Zoning Maps; provided, however, that the minimum area requirement for the creation of lots or parcels for residential purposes on land zoned RR-1 shall be two acres as long as required by LCDC rules. An exception to this area requirement may be made pursuant to LC 16.290(6)(c) below.
 - (b) For RR zoned areas that are located inside the boundaries of areas designated by the RCP as unincorporated communities, the minimum area requirement for the creation of lots or parcels for residential purposes shall be 1, 2, 5 acres, or one acre additions to these acre minimums as required by the Lane County Zoning Maps. An exception to this area requirement may be pursuant to LC 16.290(6)(c) below.
 - (c) The creation of new parcels smaller than the minimum area required by LC 16.290(6)(a) and (b) above may be allowed if all of these conditions exist:
 - (i) The parcel to be divided contains less than the minimum area needed by LC 16.290(6)(a) or (b) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;
 - (ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;

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

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

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

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

(aa) Has intact exterior walls and roof structure;

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

(cc) Has interior wiring for interior lights; and

(dd) Has a heating system.

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

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

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

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

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

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

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

(d) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(96), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area ~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), as applicable, are met.

(e) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(52) or LC 16.253(96), as applicable.

(f) Height. None.

(g) Signs.

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

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

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

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(h) Parking. Off street parking shall be provided in accordance with LC 16.250.

(8) Rural Accessory Dwelling Units.

(a) Purpose. The provisions of this section are intended to implement state law authorizing the development of accessory dwelling units (ADUs) to provide additional housing opportunities on rural lands and to encourage the preservation of historic housing stock.

(b) Definitions. For the purposes of LC 16.290(8), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) "Accessory dwelling unit" (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling.

(ii) "Area zoned for rural residential use" means lands that are zoned Rural Residential (RR, RCP), not located inside an urban growth boundary as defined in ORS 195.060, and that are subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.

(iii) "Historic home" means a single-family dwelling constructed between 1850 and 1945.

(iv) "New" means that the dwelling being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure.

(v) "Single-family dwelling" means a residential structure designated as a residence for one family and sharing no common wall with another residence of any type.

(vi) "Usable floor area" means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(vii) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(c) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:

(i) The lot or parcel is at least two acres in size;

(ii) At least one single-family dwelling is sited on the lot or parcel;

(iii) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(iv) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(v) The ADU must comply with the property development standards of LC 16.290(7).

(vi) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU may not be approved.

(vii) Only one ADU as defined by LC 16.290(8)(b)(i) and allowed by LC 16.290(2)(v) is allowed on a qualifying lot or parcel.

(viii) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.

(ix) The provisions of LC 16.290(8) do not apply to guest houses or accessory residential structures, as allowed by LC 16.290(2)(u).

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(x) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(xi) An ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and must meet all of the following standards:

(aa) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.290(8)(b)(vi).

(cc) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(ff) The applicant provides an evacuation plan that arranges for safe evacuation and identifies staged evacuation areas. As used in this section, “safe evacuation” means an identified route for evacuation from the ADU to the staged evacuation area. “Staged evacuation area” means a public or private location that occupants of the ADU may evacuate to.

(A) The applicant must provide written authorization from the owner of the staged evacuation area that the occupants of the ADU may evacuate to that location.

(B) A determination by the County that an evacuation plan meets the requirements of LC 16.290(8)(c)(xi)(ff) above is not a certification that the plan provides for safe evacuation and is not a certification of the safety of the identified staged evacuation areas. The County does not warrant or guarantee the effectiveness of any proposed evacuation plan and cannot be held liable in the event of property damage, injury, or death that may occur when an evacuation plan is used or followed.

(gg) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(hh) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(ii) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii).

(jj) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(kk) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

(B) No statewide wildfire hazard map has been adopted.

(ll) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must

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comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.

(xii) Conversion of a historic home to an ADU in the rural residential zone is allowed subject to LC 16.290(8)(c)(i) through (x) and provided:

(aa) The owner of a lot or parcel within an area zoned for rural residential use constructs a new single-family dwelling;

(bb) A historic home, as defined by LC 16.290(8)(b)(iii), is sited on the lot or parcel;

(cc) The owner converts the historic home to an ADU upon completion of the new single-family dwelling; and,

(dd) ADUs established pursuant to LC 16.290(8)(c)(xii) may not be:

(A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new single-family dwelling commenced.

(B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15; 20-05, 6.16.20; 23-05, 8.29.23)*

(9) Rental Recreational Vehicles.

(a) Purpose. The provisions of this section are intended to implement state law by allowing a recreational vehicle (RV) on rural residential lands to be used as a residential dwelling subject to a residential rental agreement.

(b) Definitions. For the purposes of LC 16.290(9), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(i) "Recreational vehicle" means a vehicle with or without motive power that has not been rendered structurally immobile, is used for human occupancy, is titled with the Department of Transportation, and satisfies OAR 735-022-0140(7)(a), (b), (c), or (d).

(c) Criteria for Rental Recreational Vehicles.

(i) To qualify for a recreational vehicle as a rental dwelling on a lot or parcel, the following criteria must be met:

(aa) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(bb) The lot or parcel is developed with a lawfully established single family dwelling that is occupied as the primary residence of the property owner;

(cc) There are no other dwelling units on the lot or parcel, including temporary medical hardship dwellings, and no portion of the single family dwelling is rented as a residential tenancy;

(dd) The recreational vehicle may not be located in the regulatory floodplain, as defined in Lane Code 16.244;

(ee) The lot or parcel is not subject to an open code enforcement action, unless the code infraction can be remedied through the approval of a recreational vehicle permit pursuant to this section; and

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(ff) If the lot or parcel is within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community, the applicant must demonstrate adequate supply of water to support the recreational vehicle. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(ii) Prior to establishing a recreational vehicle as a rental dwelling on a lot or parcel, the property owner must demonstrate compliance with the following standards:

(aa) The property owner must sign and record a restrictive covenant with Lane County Deeds and Records stating that the rental recreational vehicle allowed under this section will not be used for vacation occupancy, as defined by LC 16.290(8)(b)(vii), or other short-term uses;

(bb) The recreational vehicle is owned or leased by the tenant throughout the entire term of the tenancy;

(cc) The recreational vehicle must be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and must have no permanently attached additions;

(dd) The property owner must enter into a written residential rental agreement with the tenant of the recreational vehicle and must be valid throughout the entire term of the tenancy;

(ee) The property owner must provide services to the recreational vehicle space including:

(A) Sewage disposal, water supply, electrical supply, and if required by applicable law, any drainage system; and

(B) Any other service or habitability obligation imposed by the rental agreement and ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in a habitable condition), the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.

(C) The recreational vehicle must contain an operable toilet and sink, or the property owner must provide these facilities to the tenant and the facilities must be accessible to the tenant at all times.

(D) The property owner must obtain any necessary permits for the installation of services and adhere to any applicable codes.

(ff) The property owner must provide a parking pad for the recreational vehicle with a surface material of compacted gravel, concrete or asphalt, and the surface must be sloped to facilitate drainage of liquids away from the recreational vehicle;

(gg) If the recreational vehicle will be located within a structure, the structure must be entirely open on at least two sides;

(hh) The recreational vehicle must be setback 10 feet from the single family dwelling and other structures on the lot or parcel;

(ii) The recreational vehicle must be setback at least 30 feet from properties zoned F-1, F-2 or EFU; and

(jj) The property owner may provide residential accessory structures and uses for use by the tenant of the recreational vehicle as permitted by Lane Code 16.290(2)(t). (*Ordinance No. 25.01, Effective 2.27.2025*)

**RURAL COMMERCIAL ZONE (RC, RCP)
RURAL COMPREHENSIVE PLAN**

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16.291 Rural Commercial Zone (RC, RCP).

(1) Purpose. The purposes of the Rural Commercial Zone (RC, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP), to allow commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area, and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.291 is not retroactive. The Director has no authority to initiate compliance with LC 16.291 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.291(2)(a) through (k) 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 16.291.

(b) The uses and development allowed by LC 16.291(3)(a) through (w) , (y) through (z), (a-a), (ee), (ff), and (gg) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing commercial structures on the subject property, shall comply with the setback requirements of LC 16.291(6)(a) through (b) below, and shall not extend the commercial uses and development beyond the area of the existing commercial uses and development. The area of the existing commercial uses and development shall include all existing structures and outside areas used for the commercial use such as private drives, off street parking and loading areas, and outside storage areas; or

(ii) The use and development shall be a minor addition to a commercial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.291 was applied to the subject property and shall not be closer to a property line than the closest portion of existing commercial structures meeting the setbacks required by LC 16.291(6)(a) through (b) below. To verify compliance with these standards, the applicant shall submit to the Director an administrative application for verification of compliance and the Director shall determine if the addition to a commercial structure complies with these standards; 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 16.291(6)(a) through (b) below; or

(iv) The proposed development is a sign that complies with LC 16.291(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.

(v) Structures permitted by LC 16.291(2)(b)(ii) and (iii) above shall comply with the floor area and lot or parcel coverage requirements of LC 16.291(4)(a) below.

(c) Public and semi-public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground 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 16.291(2)(c) above shall be maintained.

(d) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:

(i) No more than two dogs shall be used for breeding.

(ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are breed or sold, or where dogs receive medical care.

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- (e) Fish and wildlife habitat management.
- (f) A single family living quarters for a caretaker that meets the following conditions:
 - (i) The single family living quarters shall be for a caretaker in conjunction with an existing commercial use permitted by LC 16.291(2)(a) through (b) above or (3)(a) through (w), (a-a) or (b-b) below and located on the same lot or parcel as the existing commercial use;
 - (ii) There shall not be any other living quarters or dwellings on the lot or parcel where the single family living quarters for the caretaker will be located; and
 - (iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the structure as a single family living quarters.
- (g) A single family dwelling or manufactured dwelling in conjunction with an existing commercial use provided there is no other dwelling or single family living quarters on the same lot or parcel.
- (h) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (i) Not more than one bed and breakfast accommodation on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.
- (j) Not more than one residential home on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Resources (DHR) under ORS 443.400 through 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the home.
- (k) Uses and development accessory to existing uses and development permitted by LC 16.291(2)(a) through (j) above or (3)(a) through (c-c) below.
- (3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.291(3)(a) through (t), and (v) and (z) below not meeting the conditions in LC 16.291(2)(b) above, and the uses and development in LC 16.291(3)(w) through (y) and (a-a) through (b-b) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.291(4)(a) through (j) below and elsewhere in LC Chapter 16. The uses and development in LC 16.291(3)(u) and (c-c) below, may be allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements elsewhere in LC Chapter 16.
 - (a) Retail trade of products, including: food, new general merchandise, second-hand general merchandise in an enclosed building; and building materials, hardware or farm equipment.
 - (b) Retail trade of hay, grains or goods for animal consumption or care.
 - (c) Retail trade of services, including: personal, finance, insurance, banking, real estate, professional, and the construction trades including but not limited to general contracting, carpentry, cabinetmaking, electrical, plumbing, and landscaping.
 - (d) Restaurants.
 - (e) Bars, nightclubs, taverns or brewpubs.

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(f) Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.

(g) Medical or veterinarian clinic.

(h) Service stations and auto repair garages.

(i) Bus passenger terminals.

(j) Boat charter and rental, including fishing equipment.

(k) Outdoor tourist attractions featuring displays of educational or historical value.

(l) Day camp and picnic areas.

(m) Indoor or outdoor recreational activities, including tennis courts, ice skating, roller skating and roller blading, riding stables, bowling, skiing, snowboarding and tobogganing, play lots or tot lots, playgrounds, game rooms, gymnasium, swimming pools, etc.

(n) Indoor or outdoor theaters.

(o) Post Office facilities.

(p) Equipment rental and leasing service.

(q) Recreational vehicle or boat storage, sales, repair and subordinate boat building that comprises less building floor area than used for boat sales or rentals.

(r) Marina.

(s) Outdoor car or truck sales lots, indoor truck or auto repair, and not including the outdoor storage of inoperable vehicles.

(t) A commercial kennel or a commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.

(u) New motels or hotels with up to 35 units within an unincorporated rural community designated in the Rural Comprehensive Plan, or new motels or hotels with up to 100 units within an urban unincorporated community designated in the Rural Comprehensive Plan, that meet the following conditions:

(i) They are located at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5; and

(ii) They are served by a "community sewer system" that means, "A sewage disposal system with connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community."

(v) A recreation vehicle park that may include individual electrical, water and sanitation disposal system hookups. A sanitation disposal system approved by DEQ or a centralized, pump-out vault may be provided for off-loading in compliance with ORS. The stay limit for a recreational vehicle shall not exceed 29 consecutive days or more than 90 days in any calendar year or consecutive six-month period.

(w) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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

(y) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(z) Overnight accommodations that shall:

(i) Have no more than 15 guest rooms in a single structure. Food preparation and service in a centralized kitchen may be provided for guests only.

(ii) Have only minor incidental and accessory retail sales;

(iii) Be occupied only temporarily for the purpose:

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(aa) Of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission if located within ¼ mile of fish bearing Class I waters, or

(bb) Of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and wildlife Commission; and

(iv) The Approval Authority may impose appropriate conditions.

(a-a) A short term stay facility for the homeless or transients that may include the provision of food and clothing for those staying in or visiting the facility provided the facility shall:

(i) Be operated by a nonprofit organization or public agency;

(ii) Contain no more than five bedrooms or sleeping rooms; and

(iii) Limit the stay for any individual to no more than 29 consecutive days.

(b-b) Uses and development similar to uses and development allowed by LC16.291(3)(a) through (a-a) above if found by the Director to be clearly similar to the uses and development allowed by LC 16.291(3)(a) through (a-a) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.291(1) above.

(ii) When compared with the uses and development permitted by LC 16.291(3)(a) through (a-a) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

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

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

(dd) Intensity of land use of the site.

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

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

(v) The use and development shall not include factories, warehouses, freight terminals, or wholesale distribution centers.

(vi) The use and development shall comply with LC 16.291(4)(a) through (h) below.

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

(c-c) An expansion of a lawfully existing commercial use that shall:

(i) Not result in more than a 50% increase in the total square foot floor area devoted to the commercial use that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; or

(ii) Not result in more than a 50% increase in the number of temporary overnight accommodations that existed on the subject lot or parcel when LC 16.291 became applicable to the subject lot or parcel; and

(iii) Be used primarily by rural residents and/or tourists.

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

(ee) Marijuana production, subject to Lane Code 16.420. Only the Tier 1 level of production, as licensed by the OLCC is allowed. Only indoor marijuana production, as defined by state law and regulated by OLCC is allowed.

(ff) Marijuana retail sales, subject to Lane Code 16.420.

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(gg) Marijuana laboratory operations, subject to Lane Code 16.420.

(hh) Marijuana processing, subject to Lane Code 16.420.

(4) Criteria. New uses or development allowed by LC 16.291(3)(a) through (t), (v) through (w), (z), and (a-a) through (b-b), and (e-e) through (h-h) above, shall comply with the criteria in LC 16.291(4) below. Telecommunications facilities allowed by LC 16.291(3)(x) above shall comply with the requirements in LC 16.264.

(a) Floor Area and Lot or Parcel Coverage. If located in an area designated by the RCP as an unincorporated community, no one commercial building or combination of commercial buildings on a lot or parcel within an urban unincorporated community shall contain more than 8,000 square feet of floor area for the same commercial use; or, no one commercial building or combination of commercial buildings on a lot or parcel in any other type of unincorporated community shall contain more than 4,000 square feet of floor area for the same commercial use unless the conditions in LC 16.291(4)(a) below are met. If not located in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,500 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing at least 750 square feet of floor area used for other permitted commercial uses). A country store located outside an area designated by the RCP as an unincorporated community may contain a maximum of 3,750 square feet of floor area. An exception to the 8,000, 4,000 or 3,500 commercial building square feet floor area requirement in LC 16.291(4)(a) above may be allowed if it complies with these requirements:

(i) The exception shall be adopted by ordinance as part of an amendment to the RCP for a specific lot or parcel.

(ii) The exception shall be for an expansion of up to 50% of the existing square feet building floor area used for commercial uses.

(iii) The existing and proposed commercial uses shall:

(aa) Provide goods and services to primarily rural residents or persons traveling through the area;

(bb) Notwithstanding the small-scale commercial building floor area limits in OAR 660-022-0030(10), comply with OAR 660-022 (for commercial uses located inside unincorporated communities) or with the Statewide Planning Goals (for commercial uses located outside unincorporated communities); and

(cc) Fit within the uses allowed by LC 16.291(2) and/or (3) above.

(iv) No more than one exception pursuant to LC 16.291(4)(a) shall be allowed for the same lot or parcel.

(b) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(c) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(d) 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.

(e) 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.

(f) 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

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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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 16.291(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 16.291(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(96), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area ~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), 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(52) or LC 16.253(96), 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 100 square feet.

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

(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; 11-04, 6.11.04; 5-04, 7.1.04; 7-12, 12.28.12; 15-08, 12.15.15; 16-01, 2.25.16; 20-05, 6.16.20)*

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**RURAL INDUSTRIAL ZONE (RI, RCP)
RURAL COMPREHENSIVE PLAN**

16.292 Rural Industrial Zone (RI, RCP).

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f), and (u) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an administrative application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with these standards; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semipublic structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

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- (e) A single family living quarters for a caretaker that meets the following conditions:
 - (i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;
 - (ii) There shall not be any other living quarters or dwellings on the lot, parcel where the single family living quarters for the caretaker will be located; and
 - (iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.
- (f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.
- (3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (o) below, are allowed subject to: prior submittal and approval of a land use application for the proposed uses or developments pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code.
 - (a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, “in proximity to the rural resource” shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.
 - (b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:
 - (i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or
 - (ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or
 - (iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.
 - (c) Forest or farm equipment storage yards, sales, rental or repair.
 - (d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.
 - (e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.
 - (f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, “outdoor advertising” means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).
 - (g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.292(1) above.

(ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site.

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

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

(dd) Intensity of land use of the site.

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

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

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

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

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

(i) The single-family dwelling, manufactured or mobile home shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single-family dwelling, manufactured or mobile home for the caretaker will be located; and

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

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

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- (i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);
 - (ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;
 - (iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;
 - (iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion;
 - (v) Not create a hazardous natural condition such as erosion, landslide or flooding; and
 - (vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.
- (o) Any level of industrial uses sited on an abandoned or diminished mill site. The Director shall determine the boundary of the mill site that may include only those areas that were improved for the processing or manufacturing of wood products. The Board shall determine the boundary of an abandoned or diminished mill site that is rezoned for Rural Industrial Use pursuant to LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), “an abandoned or diminished mill site” means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:
- (i) Is located on a parcel or lot outside of urban growth boundaries;
 - (ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
 - (iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.
- (p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.
- (q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).
- (i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.
 - (ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence

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of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

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

(s) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size or type, on a lot or parcel that was zoned for industrial use on January 1, 2004, subject to compliance with these requirements:

(i) The Director may authorize on-site sewer facilities to serve the industrial development authorized under LC 16.292(3)(s), including accessory uses subordinate to the industrial development.

(ii) The lot or parcel is located more than three miles outside the urban growth boundary of every city with a population of 20,000 individuals or more; or

(iii) The lot or parcel is located outside an urban growth boundary of every city with a population of fewer than 20,000 individuals.

(iv) The lot or parcel is located west of the summit of the Coast Range.

(v) When the Director considers action under LC 16.292(3)(s) for a lot or parcel within 10 miles of the urban growth boundary of a city, the Director shall give notice to the city at least 21 days prior to taking action.

(vi) If the City objects to the authorization of the proposed industrial development under LC 16.292(3)(s), the Director shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

(t) Composting Facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.

(u) Marijuana production, marijuana processing, marijuana wholesale distribution, marijuana laboratory operations, and marijuana research, subject to Lane Code 16.420, may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k), and (n) through (o) and (u) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

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(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

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

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

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

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

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

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(96), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. Alternative standards to permit a structure in the riparian setback area ~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), 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(52) or LC 16.253(96), as applicable.

(d) Signs.

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

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

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

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

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04; 6-10 9.17.10; 7-12, 12.28.12; 14-09, 12.29.14; 15-08, 12.15.15; 16-01, 2.25.16; 20-05, 6.16.20)*

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**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.

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- (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: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16.
 - (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.

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(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;

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

(dd) Intensity of land use of the site.

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

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

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

(w) 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.

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(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:

(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(96), 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. Alternative standards to permit a structure in the riparian setback area ~~A modification to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(63) or LC 16.253(96), 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(52) or LC 16.253(96), 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.

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(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; 7-10, 11.25.10; 16-01, 2.25.16; 20-05, 6.16.20)*

**RURAL PARK AND RECREATION ZONE (RPR, RCP)
RURAL COMPREHENSIVE PLAN**

16.295 Rural Park and Recreation Zone (RPR, RCP).

(1) **Purpose.** The purposes of the Rural Park and Recreation Zone (RPR, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to recognize existing park and recreation areas by applying the RPR, RCP zone to these areas; to provide objective land use and siting criteria in order to allow the uses and development indicated in the State Park Master Plan, the Lane County Parks Master Plan or privately developed recreation uses on developed and committed (D&C) lands; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.295 is not retroactive. The Director has no authority to initiate compliance with LC 16.295 for lawfully (per LC Chapter 16) existing uses and development.

(2) **Permitted Uses and Development.** The uses and development in LC 16.295(a) through (n) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) **Maintenance, repair or replacement** of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.295.

(b) The uses and development authorized by LC 16.295(3)(a) through (k) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with the following conditions:

(i) The use and development shall not change the number, size or location of existing park and recreation structures on the subject property and shall not extend the park and recreation uses and development beyond the area of the existing park and recreation uses and development. The area of the existing park and recreation uses and development shall include all existing structures and outside areas used for park and recreation use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.295(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a park and recreation structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.295 became applicable to the subject property and shall not be closer to a property line than the closest portion of existing park and recreation structures meeting the setbacks required by LC 16.295(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance. And, the Director shall determine if the addition to a park and recreation structure complies with this condition; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.295(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.295(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.295(6)(a) through (b) and is not illuminated.

(c) 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 park and recreation use permitted by LC 16.295(2)(a) or (b) above or (3)(a) through (k) or (o) below and located on the same lot or parcel as the existing park and recreation use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

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

(d) Farm use or forest operations or forest practices including, but not limited to, reforestation of forestland, forest road construction and maintenance, harvesting of a forest tree species, and disposal of slash.

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

(f) Fishing without any lodging accommodations.

(g) Aids to navigation and aviation.

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

(i) Forest management research and experimentation facilities as defined by ORS 526.215.

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

(k) Public and semipublic structures and uses rendering direct service to the public in local areas, such as utility substations, pump stations, wells, and underground utility lines or above ground utility lines that do not require a right-of-way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.295(2)(k) above shall be maintained.

(l) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(m) The following uses and developments that are included as part of an adopted State Master Park Plan or adopted Lane County Parks Master Plan that comply with OAR Division 34, State and Local Park Planning:

(i) Campgrounds that are used for temporary overnight camping including: recreational vehicle sites, tent sites, camper cabins, yurts, teepees, covered wagons, group shelters, and campfire program areas.

(ii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools unless located in a developed and committed lands exception area), open play fields, play structures;

(iii) Recreational trails: walking, hiking, biking, horse, or motorized off road vehicle trails; trail staging areas;

(iv) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;

(v) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;

(vi) Support facilities serving only park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

(vii) Park maintenance and management facilities located within a park; maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;

(viii) Natural and cultural resource interpretative, educational and informational facilities: interpretive centers, information/orientation centers, self-supporting interpretative and information kiosks, natural history or cultural museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores in state parks not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education;

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(ix) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

- (aa) Meeting halls not exceeding 2,000 square feet of floor area;
- (bb) Dining halls (not restaurants).

(n) Uses and development that are accessory to existing uses and development permitted under LC 16.295(2)(a) through (m) above or (3)(a) through (o) below.

(3) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16.

- (a) Golf course.
- (b) Riding stables.
- (c) Yachting clubs.
- (d) Game rooms, miniature golf, go cart tracks.
- (e) Boat rentals or boat storage and incidental minor repairs and sale of gas.
- (f) A clubhouse for an existing golf course. The clubhouse may include a restaurant, retail trade of food or new general merchandise, and recreation areas.

(g) A State or Lane County Park that is located on developed and committed exception area lands and that is not included in an adopted master park plan. These parks may include any of the uses mentioned in LC 16.295(2)(m) above.

- (h) Race track.
- (i) Recreational shooting.
- (j) Airport and flying field.
- (k) Expansion of lawfully (in terms of LC Chapter 16) existing uses.
- (l) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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

(n) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(o) Uses and development similar to uses and development allowed by LC16.295(3)(a) through (n) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.295(3)(a) through (n) 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 16.295(1).
- (ii) When compared with the uses and development permitted by LC 16.295(3)(a) through (n) above, the use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

- (aa) Goods or services traded from the site;
- (bb) Bulk, size, and operating characteristics of the proposed use;
- (cc) Parking demand, customer types and traffic generation; and
- (dd) Intensity of land use of the site.

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

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

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

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

(4) Criteria. New uses or development allowed by LC 16.295(3)(a) through (o) above, except for telecommunications facilities allowed in LC 16.295(3)(m) above, shall comply with the criteria in LC 16.295(4) below. Telecommunications facilities allowed by LC 16.295(3)(m) 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 will 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 comply with LC 16.295 and other requirements of LC Chapter 16. Land divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development allowed by LC 16.295(2) and (3) above shall comply with the following development standards:

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

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

(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(96), 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. Alternative standards to permit a structure in the riparian setback area ~~A modification~~

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~~to the riparian setback standard for a structure~~ may be allowed provided the requirements of LC 16.253(~~63~~) or LC 16.253(~~96~~), 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(~~52~~) or LC 16.253(~~96~~), as applicable, are met.

(d) Signs.

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

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

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

(iv) Signs shall not contain more 200 square feet in area.

(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; 16-01, 2.25.16; 20-05, 6.16.20)*

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Introduction:

At the time of their original adoption and implementation through Ordinances 883 and 884 in February 1984, the Lane County Rural Comprehensive Plan (RCP) and Lane Code (LC) Chapter 16 were determined to be compliant with State Law and the Oregon Statewide Planning Goals through the adoption and amendment processes provided by Oregon Revised Statute (ORS) 215.050 and 215.431, and LC 16.252. Each iteration of the RCP and LC Chapter 16 since has again been deemed compliant through these processes.

The amendments proposed by Ordinance 25-07 herein provide no substantive changes to the existing, compliant programs that implement the RCP. In compliance with the changes made by House Bill (HB) 3197 (2023) to ORS 197A.400 (formerly 197.307(4)), to require clear and objective standards for the development of housing in areas zoned for rural residential use, the amendments instead provide a new clear and objective pathway for housing development. As outlined in further detail in the findings below, these amendments are commensurate with the existing protections or are more protective or restrictive than the already approved and compliant RCP and Lane Code sections. The restrictive nature of the amendments is intended to provide a clearer path for the development of housing pursuant to HB 3197, and at the same time maintain the existing protections for resources identified by the Oregon Statewide Planning Goals.

Provided this explanation of the clear and objective provisions, the Board finds that the new, clear and objective standards are commensurate to the status quo protections of sections addressed throughout Ordinance 25-07. Provided this understanding, the Board finds compliance with the following policies that are applicable to the amendments enacted by Ordinance 25-07.

Lane Code 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 1. The amendments enacted by Ordinance 25-07 are not contrary to the public interest because they are implementing ORS 197A.400(1) as amended by HB 3197.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Introduction:

Oregon Statewide Planning Goal 5 and corresponding RCP Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces, inventories and protects a variety of natural resources, such as riparian areas. Lane County's program to protect riparian areas involves the inventorying of waterways that are found to be significant resources and must be protected. Lane County relies on an inventory of streams that qualify for Goal 5 protection. To implement these protections, Lane County relies on LC 16.253, which contains stream riparian regulations. These regulations focus on preserving riparian habitat by requiring

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development be setback from the banks of protected waterways and by limiting the amount of vegetation removal allowed within the setback from the waterway.

Prior to the amendments enacted by Ordinance 25-07, LC 16.253 complied with Goal 5 and the amendments to LC 16.253 do not make the status quo protections for riparian resources non-compliant. The amendments enacted by Ordinance 25-07 implement HB 3197, which provide a clear and objective pathway for permitting housing in areas zoned for rural residential uses and which protect Goal 5 riparian resources commensurate to the status quo protections.

The pathway for housing contains clear and objective standards for removal of vegetation in the setback area that is related to the development of housing. These standards were drafted to be commensurate with the status quo vegetation removal standards to consistently implement Lane County's Goal 5 program for the protection of riparian resources.

The status quo vegetation removal standards allow vegetation removal within the riparian setback area based on the amount of stream frontage that a property has. The amount of frontage is categorized into three groups: properties with 200 linear feet or less of stream frontage, properties with more than 200 but less than 400 linear feet of stream frontage, and properties with 400 linear feet or more of stream frontage. Depending on which group a property falls into, the code allows for a certain amount of vegetation removal within the riparian setback area, which is a setback of either 50 or 100 feet measured from the ordinary high water line. These provisions allow vegetation removal either all in one location or to be cumulatively counted by considering vegetation removal in different areas throughout the riparian setback area.

The clear and objective pathway uses a similar framework as the status quo standards for vegetation removal. However, the clear and objective pathway uses a setback measurement from the center of the dwelling to allow vegetation removal to occur in a specific area surrounding the dwelling and within the riparian setback area. This standard restricts vegetation removal to occur in only one area of the riparian setback and is therefore clear and objective.

The distance from the center of the dwelling for each stream frontage category was determined by calculating the total possible area of vegetation removal. Staff aimed for the vegetation removal allowed under the clear and objective option to be commensurate to the status quo vegetation removal allowance. For properties with 200 linear feet or less of stream frontage, the status quo pathway allows 2,500 square feet of vegetation removal, while the clear and objective pathway establishes a setback of 30 feet from the center of a dwelling and allows 2,827 square feet of vegetation removal in the 30 feet surrounding the dwelling that falls within the riparian setback area. For properties with more than 200 but less than 400 linear feet of stream frontage, the status quo pathway allows 25% of the vegetation to be removed in the setback area, which is between 2,500 and 5,000 square feet, depending on the frontage of the property. For properties with this amount of frontage, the clear and objective pathway establishes a setback of 40 feet from the center of a dwelling and allows 5,026 square feet of vegetation removal in the 40 feet surrounding the dwelling that falls within the riparian setback area. Lastly, for properties with 400 linear feet or more of stream frontage, the status quo pathway allows 5,000 square feet of vegetation removal, while the clear and objective pathway establishes a setback of 50 feet from the center of a dwelling and allows 7,853 square feet of vegetation removal in the 50 feet surrounding the dwelling that falls within the riparian setback area.

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Although staff aimed to make the removal allowances commensurate, the clear and objective pathway generally allows a larger total area of vegetation removal. Despite this, the full extent of the vegetation removal is unlikely to ever be achieved with housing proposals because of the prohibition on structural development in the setback area. Because a dwelling cannot simultaneously be located within the riparian setback and take advantage of the clear and objective vegetation removal pathway, only a portion of the setback measured from the center of the dwelling will fall within the riparian setback area, meaning only a portion of the total allowed vegetation removal can be achieved. While dwellings are prohibited from being located within the riparian setback area under the clear and objective pathway, applicant may utilize the existing, discretionary pathway to locate development within the riparian setback area.

The clear and objective pathway for vegetation removal related to housing also allows vegetation removal for the development or maintenance of vehicular access to the dwelling to accommodate potential scenarios where the access necessary for establishing the dwelling pursuant to the clear and objective pathway must be located within the riparian setback area. Lastly, the clear and objective pathway establishes a total vegetation limit of 25% to ensure that the vegetation removal surrounding the dwelling combined with vegetation removal for the access do not exceed the maximum allowable vegetation removal established by the status quo pathway.

Provided this explanation of the clear and objective riparian standards, the Board finds that the clear and objective standards are commensurate to the status quo protections of LC 16.253. Provided this understanding the Board finds compliance with the following policies that are applicable to the amendments enacted by Ordinance 25-07.

Flora and Fauna:

Policy 1. Implement construction, development and other land use activities which significantly alter natural systems only after evaluation of effects on wildlife habitats and natural areas.

Finding 2. Ordinance No. 25-07 amends LC 16.253, the Riparian Regulations Combining Zone, which implements the Flora and Fauna policies set forth under RCP Goal 5. The Ordinance establishes a clear and objective pathway for the development of housing within areas zoned for rural residential use. The Ordinance does not introduce a new land use, nor does it authorize development that would result in significant alteration of natural systems, it provides clear and objective standards for the development of housing in base zones where housing is already an outright allowance. The Ordinance does not increase the allowable density of the development of housing. Accordingly, no further evaluation of potential impacts on wildlife habitats or natural areas is required.

Policy 3. Through the use of County regulations including zoning, seek to minimize the adverse impacts of land use changes on sensitive species (those susceptible to significant population declines resulting from habitat modification).

Finding 3. The amendments of Ordinance 25-07 seek to minimize the adverse impacts of land use changes on sensitive species through habitat modification. The Ordinance enacts a pathway for permitting the development housing that is subject to clear and objective standards in areas zoned for rural residential use where dwellings are already an outright

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allowed use. The clear and objective standards are often as onerous or more onerous than the existing discretionary pathway for permitting housing and they do not provide an opportunity for increased housing density beyond what is already allowed and contemplated by the RCP and Zoning Codes. The existing standards intended to protect sensitive species from adverse impacts remain in effect. Therefore, the Ordinance minimizes the adverse impacts of land use changes on sensitive species.

Policy 6. Riparian vegetation along all Class I streams in the County is recognized as being of high value for many purposes, notably wildlife habitat and streambank stabilization. Riparian lands shall be defined as the lands within 100 feet of ordinary high water on Class I streams, and shall be protected (OAR 660-16-000/025); "3C" protection of the riparian resource shall be achieved through development setbacks and vegetation management regulations within the riparian strip. The setback distance will vary from 100 feet from ordinary high water in rural resource zones to 50 feet from ordinary high water in developed and committed areas; provided a means is made available for review and modification of these requirements where it can be demonstrated that an unduly restrictive burden would be placed on the property owner or, that riparian vegetation does actually extend all the way into the 50 foot or 100 foot setback to the location of the proposed improvements. Such review and modification shall be spelled out in the zoning districts affected, and shall involve consultation with officials at the Oregon Department of Fish and Wildlife.

Finding 4. The amendments of Ordinance 25-07 do not substantially change or affect the riparian vegetation protections outlined in Goal 5, Flora and Fauna Policy 6. The amendments provide for a clear and objective, optional, pathway for vegetation removal within the riparian setback area related to establishing housing outside of the riparian setback area, a use that is already allowed outright in areas zoned for rural residential use. The amendments do not alter the 100 or 50 foot setback from ordinary high water as set forth by this policy.

Policy 8. Sensitive Fish and Waterfowl Areas as identified in the 1983 Revision the Flora and Fauna Working Paper, shall be considered "significant" "1C" resources per OAR 660-16-000/025, and protected per "3C" requirements through protection of riparian and wetland resources as described in the above Policy statement.

Finding 5. Sensitive Fish and Waterfowl Areas will continue to be protected with the enactment of Ordinance 25-07 because the protections for riparian resources, including minimum setbacks from ordinary high water and limitations on vegetation removal, are not being lessened or removed with the adoption of the Ordinance. Ordinance 25-07 provides an alternative pathway for permitting the development of housing subject to clear and objective criteria. The amendments continue to prohibit development located within the riparian setback area and provide clear and objective standards for vegetation removal within the riparian setback area. Vegetation removal standards are commensurate to existing/discretionary protections.

Policy 11. Oregon Department of Fish and Wildlife recommendations on overall residential density for protection of big game shall be used to determine the allowable number of residential units within regions of the County. Any density above that limit shall be considered to conflict with Goal 5 and will

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be allowed only after resolution in accordance with OAR 660-16-000. The County shall work with Oregon Department of Fish and Wildlife officials to prevent conflicts between development and Big Game Range through land use regulation in resource areas, siting requirements and similar activities which are already a part of the County's rural resources zoning program.

Finding 6. Ordinance 25-07 does not permit an increase in overall residential density. The Ordinance establishes an alternative clear and objective pathway for housing development in areas zoned for residential use, it does not authorize the development of housing beyond what is already allowed as an outright use or an increase in residential density on properties already developed with housing.

Policy 12. If uses are identified (which were not previously identified in the Plan) which would conflict with a Goal 5 resource, an evaluation of the economic, social, environmental and energy consequences shall be used to determine the level of protection necessary for the resource. The procedure outlined in OAR 660-16-000 will be followed.

Finding 7. Ordinance 25-07 establishes clear and objective standards for permitting the development of housing in the areas of Lane County zoned for rural residential use. It does not introduce new uses within these zones, as single-family dwellings are already permitted outright. As such, an assessment of economic, social, environmental, and energy impacts is not necessary to determine the appropriate level of protection for Goal 5 resources. The amendments made by this ordinance maintain the same level of protection as the existing Goal 5 program.

Goal 6: Air, Water and Lane Resources Quality:

Water Quality:

Policy 4. Lane County shall promote watershed practices which protect and enhance water quality and quantity through land use planning, Public Works projects and management of County facilities.

Finding 8. The amendments of Ordinance 25-07 do not substantially change or affect the riparian protections outlined in Goal 5, Flora and Fauna Policies. The amendments provide for a clear and objective, optional, pathway for vegetation removal within the riparian setback that is commensurate to the discretionary vegetation removal standards. The amendments do not alter the 100 or 50 foot development setback from ordinary high water as set forth through the Goal 5 protections. Therefore, the Board finds that Ordinance 25-07 promotes watershed practices that protect and enhance water quality and quantity by continuing to prohibit development within the riparian setback area and by limiting vegetation within the riparian setback area.

Goal 15: Willamette River Greenway:

Introduction:

Oregon Statewide Planning Goal 15 and corresponding RCP Goal 15, Willamette River Greenway, requires cities and counties to review new development, changes in use, and intensifications of use that take place

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within the boundaries of the Willamette River Greenway to ensure that development within the Greenway boundary is designed to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. To implement these protections, Lane County relied on the Greenway Development Permit regulations and approval criteria under LC 16.254. Under the current code, Greenway Development Permits are reviewed using a Type II application process that protects the natural, scenic, historical, agricultural, economic, and recreational qualities of the Willamette River by balancing discretionary criteria that restrict new or expansions of development within the mapped Greenway.

Prior to the amendments enacted by Ordinance 25-07, LC 16.254 complied with Goal 15. The amendments proposed herein provide no substantive changes to the existing, compliant procedures. Instead, the amendments proposed implement HB 3197 and provide a new set of approval criteria and standards for applicants proposing the development of housing in areas zoned for rural residential use and mapped within the designated Greenway. An applicant proposing to develop housing within the Greenway will now be able to choose to proceed through a Type I administrative application process under the clear and objective Greenway Development Permit approval criteria located in LC 16.254(4), or through the subjective, discretionary Type II approval criteria located in LC 16.254(5).

The proposed clear and objective approval criteria include removal of vegetation standards and limitations, and compliance with a setback from the river's ordinary high water line. These standards were drafted to be commensurate with the status quo criteria that provide multiple criteria intended to be balanced through a discretionary review process to result in development with the least impact on the resource. Although outlined in further detail in the findings below, the balancing of criteria is traded for an outright vegetation removal standard and a greatly increased minimum setback.

The amendments do not change or amend the County's adopted Willamette River Greenway Boundary. There are no substantial changes to the existing standards under LC 16.254. Following adoption of the Greenway Development Permit amendments, applicants proposing to develop housing within the Greenway boundary in the areas required by ORS 197A.400 will be able to choose to proceed under the new clear and objective approval criteria or under the more flexible discretionary approval criteria. Applicants proposing development other than housing, or housing in areas not listed in ORS 197A.400, will continue to be required to use the current subjective approval criteria.

Provided this explanation of the clear and objective provisions, the Board finds that the new standards are commensurate to the status quo protections of sections addressed throughout this Ordinance. Provided this understanding, the Board finds compliance with the following policies that are applicable to the amendments enacted by Ordinance 25-07.

Policy 1. Maintain and support continuation of existing uses within the Greenway Boundary.

Finding 9. Ordinance No. 25-07 amends LC 16.254, the Greenway Development Permit Zone (/GW-RCP), which implements the Willamette River Greenway policies set forth under RCP Goal 15. The amendments enacted through Ordinance No. 25-07 establish clear and objective limitations on vegetation removal to ensure that such removal does not exceed what is necessary to accommodate residential development subject to the clear and objective standards. The amendments enacted through Ordinance 25-07 do not affect uses already

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existing within the Greenway Boundary. Any development already permitted in the Greenway Boundary will not be subject to the amendments of Ordinance 25-07. The Board finds that these clear and objective standards adequately implement and are consistent with Policy 1.

Policy 2. Intensification and change of use of lands within the Greenway Boundary shall remain compatible with the protection, conservation and enhancement of the natural, scenic, historic, agricultural, economic and recreational qualities of the Willamette River Greenway Program.

Finding 10. The amendments established by Ordinance 25-07 create a clear and objective pathway to the development of housing within the Greenway Boundary. The new standards are commensurate with the existing discretionary standards regulating development within the Greenway Boundary. The clear and objective pathway protects, conserves, and enhances the natural, scenic, historic, agricultural, economic, and recreational qualities of the Willamette River Greenway Program by requiring a larger development setback for the development of housing and limiting the associated vegetation removal. The changes do not authorize uses beyond what is already allowed in areas zoned for residential use, they merely provide an alternative path for the development of housing.

Policy 6. Prioritize water quality management controls along the Coast Fork and the Main Stem, especially in the Metropolitan area.

Finding 11. Ordinance 25-07 prioritizes water quality management controls by implementing a larger development setback for housing proposals and limiting vegetation removal associated with the development of housing within the Greenway Boundary.

Policy 10. Development shall be directed away from the river, to the greatest degree possible.

Finding 12. The amendments established by Ordinance 25-07 create a clear and objective pathway for the development of housing, requiring a 300-foot setback from the ordinary high water line of the Willamette River. The Board finds that this setback directs development away from the river to the greatest degree possible, while also being a clear and objective standard in compliance with ORS 197A.400.

Policy 11. A setback line shall be established in order to protect, maintain, preserve and enhance the natural, scenic historic and recreational qualities of the Greenway.

Finding 13. The Greenway Development Permit Combining Zone sets forth a setback of 100 feet from the ordinary high water line of the Willamette River for new intensifications, developments and changes of use within the Greenway Boundary. The clear and objective pathway for the development of housing amendments adopted by Ordinance 25-07 require a 300-foot setback from the ordinary high water line of the Willamette River. This setback is significantly more than potentially allowed setbacks through a discretionary process. The Board finds that the increased setback provides a sufficient alternative to the existing discretionary criteria that are normally balanced to provide sufficient protection for the Greenway. The setback will protect, maintain, preserve, and enhance

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the natural, scenic, historic, and recreational qualities of the Greenway, relative to housing development proposals under the clear and objective pathway.

Policy 18. Protect vegetation resources which are identified as having unique recreational, aesthetic, scientific or wildlife habitat values. Encourage acquisition of these areas or obtain a protective scenic easement.

Finding 14. The amendments established by Ordinance 25-07 create a clear and objective pathway for the development of housing, requiring a 300-foot setback from the ordinary high water line of the Willamette River, and limiting vegetation removal for the development of housing. By preventing development from occurring within 300 feet of the ordinary high water line, vegetated resources within the 300-foot setback will not be impacted by housing development. Requiring housing to be setback from the river's edge prevents resources from being removed for the purpose of housing and thus, protects vegetation in the setback area to potentially be used for recreational, aesthetic, scientific or wildlife habitat values, if they exist. Therefore, the Board finds that the clear and objective standards satisfy Policy 18.

Ordinance 25-07, which implements HB 3197 does not involve the acquisition of private property for the purpose of protective scenic easements.

Policy 19. The County shall require to the maximum feasible extent the protection of the vegetative fringe within the Greenway, and shall require the re-establishment of vegetative cover where it has been significantly removed during the land development process.

Finding 15. The amendments established by Ordinance 25-07 create a clear and objective pathway for the development of housing, requiring a 300-foot setback from the ordinary high water line of the Willamette River, and limiting vegetation removal for the development of housing. While the clear and objective pathway does not require re-establishment of vegetative cover, the limits on vegetation removal established by the clear and objective standards prevent vegetative cover from being significantly removed because vegetation removal is limited within a certain distance from the center of the dwelling. Therefore, the Board finds that the clear and objective standards protect the vegetative fringe within the Greenway and do not authorize significant removal of vegetative cover resulting from the development of housing.

Policy 20. Conserve the rural character of the river bank as a primary objective within the Greenway.

Finding 16. The amendments established by Ordinance 25-07 create a clear and objective pathway for the development of housing, requiring a 300-foot setback from the ordinary high water line of the Willamette River. The 300-foot setback moves the development of housing away from the bank of the river, decreasing the likelihood that housing will be visible from the Willamette River. With housing set away from the bank of the river, the rural character of the river bank can be conserved by limiting the encroachment of development. Therefore, the Board finds that the setback from the bank of the river conserves the rural character of the river bank.

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Policy 27. Protect, conserve or preserve the scenic and recreational qualities of the lands within the Greenway Boundary.

Finding 17. The Board finds that the amendments made by Ordinance 25-07 to create clear and objective standards for the development of housing in areas zoned for residential use within the Greenway Development Permit Combining Zone protect, conserve and preserve the scenic and recreational qualities of the lands within the Greenway Boundary by requiring a 300-foot setback from the ordinary high water line of the Willamette River, and by limiting vegetation removal surrounding the development of housing. The 300-foot setback moves the development of housing away from the bank of the river and vegetation removal is limited to the area directly around the dwelling, decreasing the likelihood that housing will be visible from the Willamette River. With housing set away from the bank of the river and vegetation removal limited, the Board finds that the scenic and recreational quality of the river bank can be conserved by limiting the encroachment of development.

Policy 29. The sensitivity of lands within the Greenway shall determine the level of human activity.

Finding 18. The existing zoning of lands within the Greenway Boundary determine the level of human activity. Ordinance 25-07 does not amend the zoning of lands within the Greenway Boundary and the level of human activity allowed currently will be maintained. Therefore, Policy 29 does not apply to the Ordinance.

Goal 17: Coastal Shorelands:

Introduction:

Oregon Statewide Planning Goal 17 and corresponding RCP Goal 17, Coastal Shorelands, provides protection to water quality and fish and wildlife habitat in coastal areas. In Lane County, Goal 17 is addressed through the Coastal Resources Management Plan (CRMP), which identifies several coastal shorelands areas and provides provisions for the protection and management of these areas to maintain water quality, fish and wildlife habitat, recreation, and water-dependent uses. Lane County's shorelands are divided into five different management units: Significant Natural Areas (LC 16.237), Prime Wildlife Area (LC 16.238), Natural Resource Conservation (LC 16.239), Residential Development (LC 16.240), and Mixed Development (LC 16.241). While not a shoreland designation, staff included amendments to the Dredge Material Mitigation Site Combining Zone (LC 16.242) with this project because it is addressed in the CRMP.

Under the current code, a property owner or applicant must file a Type I: Preliminary Investigation to determine the specific area to which the requirements of the specific coastal overlay zone apply. If requirements of the overlay zone are found to apply to the proposed development area, a Type II Special Use Permit for housing development is required. The Type II permit balances discretionary criteria to restrict new or expansions of existing development in the coastal resource areas. Prior to the amendments of Ordinance 25-07, the provisions of LC 16.237-242 complied with Goal 17.

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The amendments proposed herein provide no substantive changes to the existing, compliant procedures. Instead, clear and objective standards in compliance with HB 3197 are achieved through development setbacks and vegetation removal limitations for the development of housing in areas zoned for rural residential use and mapped within a coastal resource area. After receiving confirmation through a Type I: Preliminary Investigation, an applicant proposing the development of housing within coastal resource areas will now be able to choose to proceed through a Type I administrative application process under the clear and objective criteria located in LC 16.237-242. Alternatively, they may still request review through the subjective, discretionary Type II approval criteria. Although outlined in further detail in the findings below, the balancing of criteria is generally traded for an outright vegetation removal standard, an increased minimum setback, and prohibitions of the development in certain areas.

The clear and objective standards may appear more rigid than the existing discretionary standards. For instance, most shoreland overlay zones have a site development setback from waterbodies for topographic modification and structures. The clear and objective standards contain a larger setback to account for inaccuracies in the actual location of the high water line and to ensure that if there are inaccuracies, the additional setback area is sufficient to protect the coastal resource/waterbody. Additionally, the greater setback area in the clear and objective pathway ensures that topographic modification, resulting from establishing a structures' foundation immediately adjacent to the setback line, is not inadvertently impacting the area within the setback.

The standards for the clear and objective pathway were developed by reviewing the approval criteria under the existing site development criteria, omitting criteria inapplicable to the development of housing, and creating corresponding standards that are clear and objective. Provided this explanation of the clear and objective provisions, the Board finds that the new standards are commensurate to the status quo protections of sections addressed throughout this Ordinance. Provided this understanding, the Board finds compliance with the following policies that are applicable to the amendments enacted by Ordinance 25-07.

Significant Natural Areas:

Policy 4. Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the actual structure(s), required access, fire safety requirements and the required septic or sewage disposal system. Parcels which exhibit vegetation removal shall be replanted as soon as possible.

Finding 19. Ordinance No. 25-07 amends LC 16.237, the Significant Natural Shorelands Combining Zone (/SN-RCP), which implements the Significant Natural Areas policies set forth under RCP Goal 17. The amendments enacted through Ordinance No. 25-07 establish clear and objective limitations on vegetation removal to ensure that such removal does not exceed what is necessary to accommodate the development of housing in areas zoned for rural residential use subject to the clear and objective standards. Specifically, vegetation removal is limited to an area within 40 feet measured from the center point of a dwelling, is permitted for driveway access not to exceed 16 feet in width and is expressly prohibited within 100 feet of the ordinary high water line of any estuary, lake, stream or river or within 200 feet of the ocean vegetation line. The Board finds that these clear and objective standards adequately implement and are consistent with the policy objectives of Goal 17 regarding the protection of vegetation in Significant Natural Areas.

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Policy 8. Development on lots less than 10 acres in size shall be prohibited. Where lots less than 10 acres existed on the date of adoption of this report, development may occur if in conformance with the requirements of the parent zone and this Management Unit.

Finding 20. Ordinance No. 25-07 establishes clear and objective standards for the development of housing in areas zoned for rural residential use and mapped within the Significant Natural Shorelands Combining Zone (/SN-RCP). The Ordinance does not alter or amend existing land division standards. Pursuant to LC 16.237, land divisions resulting in parcels smaller than ten (10) acres are prohibited. Consequently, development on parcels of less than ten (10) acres is not permitted unless such parcels were lawfully created prior to the adoption of the RCP. Additionally, development on any property that is less than 10 acres in size and that was lawfully created prior to the adoption of the RCP is still subject to the base zones and overlay requirements of the Significant Natural Areas zone and is therefore no less protective than the status quo. Accordingly, the Board finds that this policy does not apply to the adoption of Ordinance No. 25-07.

Policy 9. For any approved development on coastal lake or estuarine shore land in this management unit, a minimum 100' building setback from the shoreline is required wherever practicable. Setback requirements on ocean shore lands in this MU will vary depending on the rate of erosion at the site and will require a County site review. Furthermore:

a. A band of natural vegetation no less than one-half the width of the setback shall be left in natural vegetation.

b. Existing lots which are too small to accommodate both the required management unit setback, the construction of a residence and other development requirements such as septic and replacement fields will be allowed to build in this setback zone following a County site inspection, providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum, and other County requirements are met, and hazard to life and property is minimal and acceptable.

c. Within the shore side belt of natural vegetation, the following kinds of modifications are allowable:

1) unsurfaced foot paths;

2) removal of hazardous vegetation as unstable stream bank trees or trees otherwise vulnerable to blowdown may allowed in unusual circumstances following review by the County or Oregon Department of Fish and Wildlife. Stream bank trees, snag and shorefront brush are necessary for wildlife habitat.

3) replanting of areas modified in "c." above or other areas which have been previously cleared.

Finding 21. Ordinance No. 25-07 establishes clear and objective standards for the development of housing in areas zoned for rural residential use and mapped within the Significant Natural Shorelands Combining Zone (/SN-RCP), implemented by LC 16.237. These standards

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include a required structural setback of 100 feet from the ordinary high water line of lakes and estuaries, consistent with the requirements of Significant Natural Areas Policy 9.

Prior to the adoption of Ordinance No. 25-07, LC 16.237 provided that structural setbacks for oceanfront properties be determined based on the rate of coastal erosion, with the intent of affording reasonable site protection. While this erosion-based approach aligned with the policy's intent, it was not deemed to meet the statutory requirement for "clear and objective" standards under ORS 197A.400.

Ordinance No. 25-07, therefore, introduces a clear and objective alternative standard in addition to the existing discretionary standard. Specifically, it establishes a 200-foot structural setback from the ocean vegetation line as defined in ORS 390.770.

With respect to Policy 9, Subsection (a), which addresses the preservation of natural vegetation, the Ordinance's clear and objective standards prohibit vegetation removal within 100 feet of lakes, estuaries, or the vegetation line defined in ORS 390.770.

Regarding Subsection (b), the Ordinance does not preclude development on existing substandard lots that cannot meet the clear and objective setback requirements; such lots may proceed under the discretionary permitting pathway.

Subsection (c), which pertains to modifications not related to residential development, is not applicable to Ordinance No. 25-07. Therefore, the Board finds that the amendments of Ordinance 25-07 satisfy Significant Natural Areas Policy 9.

Policy 11. New development proposed of this management unit shall blend to the maximum degree feasible with the surrounding vegetation and topography in terms of color, form and location. Design and site shall be reviewed to ensure that visual harmony is achieved consistent with the purposes of the management unit.

Finding 22. Ordinance No. 25-07 establishes clear and objective standards for the development of housing in areas zoned for rural residential use and mapped within the Significant Natural Shorelands Combining Zone (/SN-RCP). Prior to the adoption of this Ordinance, LC 16.237 required that structures be sited and/or screened with natural vegetation, and that exterior building materials blend in color, hue, and texture with the surrounding vegetation and landscape to the maximum extent feasible. However, these standards are not considered clear and objective within the meaning of ORS 197A.400.

Ordinance No. 25-07 addresses this issue by adopting a clear and objective standard that limits the height of dwellings within the /SN-RCP zone to thirty (30) feet. It is not feasible to require blending of development with surrounding vegetation and topography in terms of color, form and location in a clear and objective manner. However, the height limitation and structural setbacks ensure that development under the clear and objective pathway is compatible with the surrounding vegetation and topography in form.

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Additionally, the Ordinance requires a 100-foot development setback from the ordinary high water line of lakes and estuaries. This setback further minimizes visual impacts by prohibiting development in close proximity to the shoreline, thereby reducing visibility of structures from the waterbody and supporting the policy's goal of visual compatibility with the natural landscape. The Board finds that the clear and objective standards set forth in Ordinance No. 25-07 satisfy the intent and requirements of Significant Natural Shorelands Policy 11.

Prime Wildlife Area:

Policy 3. For any approved development in this MU, a minimum 50' horizontal setback from the shoreline of the estuary or coastal lakes is required. Ocean shore land setback will vary depending on current rate of erosion and will require a site review. Implementation will include the following:

a. Existing lots which are too small to accommodate both the required Management Unit setback, the construction of a residence and other development requirements such as septic and replacement fields which will be allowed to build in this setback zone following a County site inspection, providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum and other County requirements are met.

b. Within the 50' setback, 30' adjacent to the shore shall be left in natural vegetation. Brush may be removed from the remaining 20' if revegetated and, decks and similar structures may project into this area.

c. Within the 30' of natural vegetation the following kinds of modifications are allowable:

1) unsurfaced foot paths;

2) removal of hazardous vegetation such as unstable stream bank trees or trees otherwise vulnerable to blowdown may be allowed in unusual circumstances following review by the County or Oregon Department of Fish and Wildlife. Streambank trees, snags and shorefront brush are necessary for wildlife habitat.

3) replanting of areas modified in "c." above or other areas which have been previously cleared.

Finding 23. Ordinance No. 25-07 establishes clear and objective standards for the development of housing in areas zoned for rural residential use and mapped within the Prime Wildlife Combining Zone (/PW-RCP), implemented by LC 16.238. These standards include a required structural setback of 100 feet from the ordinary high water line of lakes and estuaries, consistent with the requirements of Prime Wildlife Area Policy 3.

Before the adoption of Ordinance No. 25-07, LC 16.238 required a structural setback from coastal lakes and estuaries of 50 feet. The new clear and objective pathway establishes a 100-foot setback for structures. The Board finds that the increase in the distance of the structural setback is necessary to ensure protection of the resources of the Prime Wildlife

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Area. Mainly, LC 16.238 contains limitations on vegetation removal and topographic modification within the 50-foot setback area. The clear and objective 100-foot setback for the development of housing ensures that the original 50-foot setback area remains undisturbed without consideration and balancing of standards through a discretionary review process. The 100-foot setback protects vital ecological resources and maintains prime wildlife habitats by minimizing the impact of a construction footprint on natural vegetation (topographic modification, grading, excavation, and landscaping), and siting vegetation removal outside the 50-foot original setback area.

Prior to the adoption of Ordinance No. 25-07, LC 16.238 provided that structural setbacks for oceanfront properties be determined based on the rate of coastal erosion, with the intent of affording reasonable site protection. While this erosion-based approach aligned with the policy's intent, it did not meet the statutory requirement for "clear and objective" standards under ORS 197A.400. Ordinance No. 25-07, therefore, introduces a clear and objective alternative standard in addition to the existing discretionary standard. Specifically, it establishes a 200-foot structural setback from the ocean vegetation line as defined in ORS 390.770.

Regarding Policy 3, Subsection (a), the Ordinance does not preclude development on existing substandard lots that cannot meet the clear and objective setback requirements; such lots may proceed under the discretionary permitting pathway.

With respect to Subsection (b), which addresses the preservation of natural vegetation, the Ordinance's clear and objective standards prohibit vegetation removal within 100 feet of lakes, estuaries, or the vegetation line defined in ORS 390.770. Again, this limitation on vegetation removal is more prohibitive than the 50 feet outlined in Policy 3. However, the Board finds that the clear and objective 100-foot setback for the development of housing ensures that the original 50-foot setback area remains undisturbed without consideration and balancing of standards through a discretionary review process.

Subsection (c), which pertains to modifications not related to residential development, is not applicable to Ordinance No. 25-07. Therefore, the Board finds that the amendments of Ordinance 25-07 satisfy Prime Wildlife Areas Policy 3.

Policy 4. Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the actual structure(s), required access, fire safety requirements and the required septic or sewage disposal system. Parcels which exhibit vegetation-free areas suitable for development should utilize such areas for the building site where feasible. Areas of excessive vegetation removal shall be replanted as soon as possible.

Finding 24. Ordinance No. 25-07 amends LC 16.238, the Prime Wildlife Shorelands Combining Zone (/PW-RCP), which implements the Prime Wildlife Areas policies set forth under RCP Goal 17. The amendments enacted through Ordinance No. 25-07 establish clear and objective limitations on vegetation removal to ensure that such removal does not exceed what is reasonably necessary to accommodate the development of housing subject to the clear and objective standards. Specifically, vegetation removal is limited to an area within 40

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feet measured from the center point of a dwelling, is permitted for driveway access not to exceed 16 feet in width, and is expressly prohibited within 100 feet of the ordinary high water line of any waterbody or the ocean vegetation line. The Board finds that these clear and objective standards adequately implement and are consistent with the policy objectives of Goal 17 regarding the protection of vegetation in Prime Wildlife Areas.

Policy 5. State Fish and Wildlife biologists shall have a 14-day "review and comment" period to evaluate the impact of any development on critical habitats and to make suggestions concerning ways to avoid or mitigate identified adverse impacts.

Finding 25. Ordinance No. 25-07 amends LC 16.238, the Prime Wildlife Shorelands Combining Zone (/PW-RCP), which implements the Prime Wildlife Areas policies set forth under RCP Goal 17. The amendments enacted through Ordinance No. 25-07 include a clear and objective standard to notify the Oregon Department of Fish and Wildlife of proposals in the Prime Wildlife Shorelands Combining Zone at least 14 days before final action on the development permit.

Policy 7. Development on lots less than five acres in size shall be prohibited. Where lots less than five acres existed on the date of adoption of this report, development may occur if in conformance with the requirements of the parent zone and this management unit.

Finding 26. Ordinance No. 25-07 establishes clear and objective standards for the development of housing within areas zoned for rural residential use and mapped within the Prime Wildlife Combining Zone (/PW-RCP). The Ordinance does not alter or amend existing land division standards. Pursuant to LC 16.238, land divisions resulting in parcels smaller than five (5) acres are prohibited. Consequently, development on parcels of less than five (5) acres is not permitted unless such parcels were lawfully created prior to the adoption of the RCP. If created prior to adoption of the RCP, the development of housing must comply with the requirements of the zone and either the status quo/discretionary or clear and objective standards. Accordingly, the Board finds that this policy does not apply to the adoption of Ordinance No. 25-07. However, if it did apply, it is satisfied.

Natural Resources Conservation:

Policy 8. For any approved development on coastal lake or estuarine shoreline in this MU, a minimum 50' building setback from the shoreline is required. Setback requirements on ocean shorelands in this MU will vary depending on the rate of erosion in the area and will be determined by County site review. Furthermore:

a. Within the 50' setback, 30' adjacent to the shore shall be left in natural vegetation. Brush may be removed from the remaining 20' if revegetated and, decks and similar structures may project into this area.

b. Existing lots which are too small to accommodate both the required management unit setback, the construction of a residence and other development requirements such as septic and replacement fields will be allowed to build in this setback zone following a County site inspection providing

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clearance of vegetation on the remainder of the lot is kept to an absolute minimum, and other County requirements are met and hazard to life and property in minimal and acceptable.

c. Within the 30' of natural vegetation, the following kinds of modifications are allowable:

1) Unsurfaced foot paths;

2) Removal of hazardous vegetation such as unstable streambank trees or trees otherwise vulnerable to blowdown may be allowed in unusual circumstances following review by the County or Oregon Department of Fish and Wildlife. Streambank trees, snags and shorefront brush are necessary for wildlife habitat.

3) Replanting of areas modified in "c." above or other areas which have been previously cleared.

Finding 27. Ordinance No. 25-07 establishes clear and objective standards for the development of housing within areas zoned for rural residential use and mapped within the Natural Resource Conservation Combining Zone (/NRC-RCP), implemented by LC 16.239. These standards include a required structural setback of 100 feet from the ordinary high water line of lakes and estuaries, consistent with the requirements of Natural Resources Conservation Area Policy 8.

Prior to the adoption of Ordinance No. 25-07, LC 16.239 provided that structural setbacks from coastal lakes and estuaries be 50 feet. The clear and objective pathway establishes a 100-foot setback for structures. The Board finds that increase in the distance of the structural setback is necessary to ensure protection of the resources of the Natural Resources Conservation Area. Mainly, LC 16.239 contains limitations on vegetation removal and topographic modification within the 50-foot setback area. The clear and objective 100-foot setback for the development of housing ensures that the original 50-foot setback area remains undisturbed without consideration and balancing of standards through a discretionary review process. The 100-foot setback protects vital ecological resources and maintains wildlife habitats by minimizing the impact of a construction footprint on natural vegetation (topographic modification, grading, excavation, and landscaping), and siting vegetation removal outside the 50-foot original setback area.

Prior to the adoption of Ordinance No. 25-07, LC 16.239 provided that structural setbacks for oceanfront properties be determined based on the rate of coastal erosion, with the intent of affording reasonable site protection. While this erosion-based approach aligned with the policy's intent, it did not meet the statutory requirement for "clear and objective" standards under ORS 197A.400. Ordinance No. 25-07, therefore, introduces a clear and objective alternative standard in addition to the existing discretionary standard. Specifically, it establishes a 200-foot structural setback from the ocean vegetation line as defined in ORS 390.770. Utilizing the vegetation line at ORS 390.770 provides a clear and objective method for measuring the oceanfront setback, versus calculating the rate of erosion for each property/development as required by the status quo/discretionary pathway. However, this vegetation line is not accurate in all areas of the coastline, as it tends to be located below the top of coastal bluffs and closer to the ocean. Therefore,

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increasing the development setback for oceanfront properties to 200 feet addresses inaccuracies in the vegetation line to ensure that development is adequately protected from coastal erosion and to protect the coastline from the impact of development.

With respect to Subsection (a), which addresses the preservation of natural vegetation, the Ordinance's clear and objective standards prohibit vegetation removal within 100 feet of lakes, estuaries, or the vegetation line defined in ORS 390.770. Again, this limitation on vegetation removal is more prohibitive than the 50 feet outlined in Policy 8. However, the Board finds that the clear and objective 100-foot setback for the development of housing ensures that the original 50-foot setback area remains undisturbed without consideration and balancing of standards through a discretionary review process.

Regarding Policy 8, Subsection (b), the Ordinance does not preclude development on existing substandard lots that cannot meet the clear and objective setback requirements; such lots may proceed under the discretionary permitting pathway.

Subsection (c), which pertains to modifications not related to residential development, is not applicable to Ordinance No. 25-07. Therefore, the Board finds that the amendments of Ordinance 25-07 satisfy Natural Resources Conservation Areas Policy 8.

Policy 10. Only developments and activities which do not pose a threat to life or property from land instability, erosion or other natural hazards shall be allowed. Where the property is zoned for timber production, it is the responsibility of the Forest Practice Act to ensure that timber harvest activities pose no hazard to life or property.

Finding 28. Ordinance No. 25-07 establishes clear and objective criteria for the issuance of permits for the development of housing within areas zoned for rural residential use and mapped within the Natural Resource Conservation Combining Zone (/NRC-RCP), as implemented through LC 16.239. Ordinance No. 25-07 does not authorize the introduction of new uses within the NRC Combining Zone but permits the development of housing in base zones where it is already an outright allowed use, subject to compliance with specified, clear, and objective standards.

These standards include: (1) limiting vegetation removal to the immediate area surrounding the dwelling; (2) restricting vegetation removal within 50 feet of lakes, estuaries, and the ocean; (3) requiring a minimum structural setback of 100 feet from lakes and estuaries; and (4) requiring a minimum structural setback of 200 feet from the ocean.

The Board finds that the implementation of these standards serves to reduce risks to life and property associated with land instability, erosion, and other natural hazards.

Residential Development:

Policy 2. A minimum building setback of 50' from the shoreline of coastal lakes or estuaries shall be required. The shoreward 30' of this setback area shall be maintained in natural vegetation wherever

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currently existing. Where not presently existing, it should be encouraged to develop. Setback needs along ocean shorelands will vary due to rate or erosion in the area and will require a County site review. Furthermore:

a. Existing lots which are too small to accommodate both the required management unit setback, the construction of a residence and other development requirements such as septic and replacement fields will be allowed to build in this setback zone following a County site inspection providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum, and other County requirements are met, and hazard to life and property is minimal and acceptable.

b. Within the shoreside belt of natural vegetation, the following kinds of modifications are allowable:

1) unsurfaced foot paths;

2) removal of hazardous vegetation such as unstable streambank trees or trees otherwise vulnerable to blowdown may be allowed in unusual circumstances following review by the County or Oregon Department of Fish and Wildlife. Streambank trees, snags and shorefront brush are necessary for wildlife habitat.

3) replanting of areas modified in "c." above or other areas which have been previously cleared.

Finding 29. Ordinance No. 25-07 establishes clear and objective standards for the development of housing within areas zoned for rural residential use and mapped within the Residential Development Shorelands Combining Zone (/RD-RCP), implemented by LC 16.240. These standards include a required structural setback of 50 feet from the ordinary high water line of lakes and estuaries, consistent with the requirements of Residential Development Policy 2.

Prior to the adoption of Ordinance No. 25-07, LC 16.240 provided that structural setbacks for oceanfront properties be determined based on the rate of coastal erosion, with the intent of affording reasonable site protection. While this erosion-based approach aligned with the policy's intent, it did not meet the statutory requirement for "clear and objective" standards under ORS 197A.400. Ordinance No. 25-07, therefore, introduces a clear and objective alternative standard in addition to the existing discretionary standard. Specifically, it establishes a 100-foot structural setback from the ocean vegetation line as defined in ORS 390.770.

Regarding Policy 2, Subsection (a), the Ordinance does not preclude development on existing substandard lots that cannot meet the clear and objective setback requirements; such lots may proceed under the discretionary permitting pathway.

Subsection (b), which pertains to modifications not related to residential development, is not applicable to Ordinance No. 25-07. Therefore, the Board finds that the amendments of Ordinance 25-07 satisfy Residential Development Policy 2.

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Mixed Development:

Policy 3. 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.

Finding 30. Ordinance No. 25-07 does not authorize any new uses within the Shorelands Mixed Development Combining Zone (/MD-RCP), as implemented through LC 16.241. Additionally, the Ordinance does not increase the residential density, or the number of dwellings permitted within the Combining Zone, it provides clear and objective standards for the development of housing in base zones where housing is already an outright allowance. This policy was applied when the County initially adopted the Mixed Development Shorelands protections and the analysis for compliance was completed during that adoption. The adoption of Ordinance 25-07 is for the establishment of clear and objective standards for housing and outlines standards that are commensurate with the status quo program. Accordingly, Policy 3 does not apply to adoption of Ordinance 25-07.

Policy 5. Natural riparian vegetation should be maintained or encouraged to provide erosion control, bank stabilization, and aesthetic quality and to maintain water quality and temperature, except where maintenance of vegetation would preclude use of the site for a water-dependent use and removal will not be detrimental to erosion control, bank stabilization or water quality.

Finding 31. Ordinance No. 25-07 amends LC 16.241, the Shorelands Mixed Development Combining Zone (/MD-RCP), which implements the Mixed Development policies set forth under RCP Goal 17. The amendments enacted through Ordinance No. 25-07 establish clear and objective limitations on vegetation removal to ensure that such removal does not exceed what is necessary to accommodate the development of housing subject to the clear and objective standards. Specifically, vegetation removal is limited to an area within 40 feet measured from the center point of a dwelling, is permitted for driveway access not to exceed 16 feet in width, and is expressly prohibited within 100 feet of the ordinary high water line of any waterbody or 200 feet of the ocean vegetation line. Furthermore, housing is not a water-dependent use and thus, maintenance or removal of vegetation cannot preclude the use of the site for a water-dependent use. The Board finds that these clear and objective standards adequately implement and are consistent with the policy objectives of Goal 17 regarding the protection of natural riparian vegetation in Mixed Development areas.

Policy 9. New residential development shall be permitted within this Management Unit only on parcels determined to be unsuited to water-dependent or water-related uses and only if consistent with the parent zoning district.

Finding 32. Ordinance No. 25-07 amends LC 16.241, the Shorelands Mixed Development Combining Zone (/MD-RCP), which implements the Mixed Development policies set forth under RCP Goal 17. The amendments enacted through Ordinance 25-07 prohibit new development of housing pursuant to clear and objective standards on properties adjacent to oceans, estuaries, streams, lakes, and rivers. This maintains the existing discretionary path for

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property owners to balance discretionary standards to determine the suitability of a property for water dependent use, while still allowing for a clear and objective process to develop housing on properties without water frontage. The Board finds that these clear and objective standards adequately implement and are consistent with the policy objectives of Goal 17 regarding the protection of water dependent or water related uses in Mixed Development areas.

Goal 18: Beaches and Dunes:

Introduction:

Oregon Statewide Planning Goal 18 and corresponding RCP Goal 18, Beaches and Dunes, focuses on conserving and protecting Oregon's beach and dune resources, and reducing hazards associated with these environments. Lane County addresses Goal 18 in the Coastal Resources Management Plan (CRMP) by inventorying the types and locations of dune landforms that exist in the coastal areas of the county and identifying uses that the landforms are capable of sustaining, while minimizing threat to human life and property. The CRMP outlines policies for how development should occur on the various dune forms. These policies are implemented by LC 16.243, the Beaches and Dunes Combining Zone.

Under the current code, a property owner or applicant must file a Type I: Preliminary Investigation (Hazards Checklist) to determine if hazards, as identified by LC 16.243 and Lane Manual (LM) 10.005.065, exist on the subject property or within the proposed development areas. If hazards exist, a Type II Special Use Permit for housing development is required. The Type II permit balances discretionary criteria to restrict new or expansions of existing development on the dune landforms. Prior to the amendments of Ordinance 25-07, the provisions of LC 16.243 complied with Goal 18.

The amendments proposed herein provide no substantive changes to the existing, compliant procedures. Instead, the amendments proposed implement HB 3197 and provide a new set of approval criteria and standards for applicants proposing the development of housing in areas zoned for rural residential use and mapped within the protected Beaches and Dunes resources. After receiving confirmation of no existing hazards through a Type I: Preliminary Investigation, an applicant proposing the development of housing within certain dune formations (stabilized dunes) will now be able to choose to proceed through a Type I administrative application process under the clear and objective criteria located in LC 16.243(7)(b). Alternatively, they may still request review through the subjective, discretionary Type II approval criteria located in LC 16.243(10). As outlined in further detail in the findings below, the balancing of criteria is traded for an outright vegetation removal standard and a greatly increased minimum setback.

The standards for the clear and objective pathway were developed by reviewing the approval criteria under the existing site development criteria, omitting criteria inapplicable to the development of housing, and creating corresponding standards that are clear and objective. Provided this explanation of the clear and objective provisions, the Board finds that the new standards are commensurate to the status quo protections of sections addressed throughout this Ordinance. Provided this understanding, the Board finds compliance with the following policies that are applicable to the amendments enacted by Ordinance 25-07.

General Policies:

Policy 1. Ensure the protection and conservation of coastal beach and dune resources.

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Finding 33. Ordinance 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements RCP Goal 18. The Ordinance ensures protection and conservation of coastal beach and dune resources by establishing clear and objective standards for the development of housing in areas zoned for rural residential use and mapped within the Beaches and Dunes Combining Zone that are consistent with, and comparable in effect to, the protective measures already established within the Beaches and Dunes Combining Zone.

Policy 2. Prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

Finding 34. Ordinance 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements RCP Goal 18. The Ordinance ensures protection and conservation of coastal beach and dune resources by establishing clear and objective standards for the development of housing in areas zoned for rural residential use and mapped within the Beaches and Dunes Combining Zone that are consistent with, and comparable in effect to, the protective measures already established within the Beaches and Dunes Combining Zone. Therefore, future development permitted under the clear and objective pathway will be consistent with and will maintain the natural capability of beach and dune landforms for the purpose of preventing economic loss.

Policy 3. Provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

Finding 35. Ordinance 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements RCP Goal 18. The Ordinance maintains the existing procedures for assessing the capability of dune landforms prior to development. A Preliminary Investigation (Development Hazards Checklist) is required prior to the development of housing even when development qualifies to be permitted under the clear and objective pathway. Additionally, the clear and objective pathway requires analysis by a Certified Professional Engineer of the dune form existing in the proposed development area, ensuring development of housing only occurs on stabilized dune formations.

Policy 4. Prevent cumulative damage to coastal dune resources due to the incremental effects of development.

Finding 36. Ordinance No. 25-07 does not authorize any new uses within the Beaches and Dunes Combining Zone (/BD-RCP), as implemented through LC 16.243. Additionally, the Ordinance does not increase the residential density, or the number of dwellings permitted within the Combining Zone, it merely provides clear and objective standards for the development of housing in areas zoned for rural residential use. Accordingly, the Ordinance does not increase the possible cumulative damage to coastal dune resources due to the incremental effects of development.

Ordinance No. 25-07

Findings of Fact & Conclusions

The adopted amendments establish a clear and objective permitting framework that is consistent with, and comparable in effect to, the protective measures already established within the Beaches and Dunes Combining Zone. To the extent that Policy 4 applies, the Board finds that the Ordinance is consistent with and satisfies the policy's intent and requirements.

Beaches:

Policy 1. Development on the beach is not allowed, with the exception of certain features such as necessary jetties or beachfront protective structures.

Finding 37. Ordinance 25-07 does not amend the section of the Beaches and Dunes Combining Zone that prohibits development on certain landforms. The Ordinance establishes a clear and objective permitting pathway for the development of housing in areas zoned for rural residential use and does not change the type of dune landforms where development is prohibited, such as beaches. Therefore, the Board finds that this policy is inapplicable. If found to be applicable, then Ordinance 25-07 complies with Policy 1 because the clear and objective pathway does not authorize housing on beaches.

Foredune:

Policy 1. Because the foredune is a highly impermanent landform and subject to a number of extreme hazards, no permanent development will be allowed here. Allowable development may include temporary raised boardwalks which provide beach access and avoid vegetation trampling.

Finding 38. Ordinance 25-07 does not amend the section of the Beaches and Dunes Combining Zone that prohibits development on certain dune landforms. The Ordinance establishes a clear and objective permitting pathway for the development of housing in areas zoned for rural residential use and does not change the type of dune landforms where development is prohibited, such as foredunes. Therefore, the Board finds that this policy is inapplicable. If found to be applicable, then Ordinance 25-07 complies with Policy 1 because the clear and objective pathway does not authorize housing on foredunes.

Recently Stabilized Dune Forms:

Policy 1. Development shall result in the least topographic modification of the site as is reasonable and possible.

Finding 39. Ordinance 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements RCP Goal 18. The Ordinance ensures protection and conservation of coastal beach and dune resources by establishing clear and objective standards for the development of housing in areas zoned for rural residential use and mapped within the Beaches and Dunes Combining Zone that are consistent with, and comparable in effect to, the protective measures already established within the Beaches and Dunes Combining Zone.

Specifically, the ordinance prohibits topographic modification on slopes exceeding twenty-five percent (25%) and precludes the siting of dwellings or any associated land alteration on such slopes. The Board finds that restricting structural and land

Ordinance No. 25-07

Findings of Fact & Conclusions

development to areas with slopes of twenty-five percent (25%) or less minimizes the extent of topographic modification on a site and is therefore the least intrusive means of accommodating residential development within the protected zone.

Policy 2. Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the actual structures, required access, fire safety requirements and the required septic or sewage disposal system. Parcels which exhibit vegetation-free areas suitable for development should utilize such areas for the building site where feasible. Areas which exhibit excessive vegetation removal shall be replanted as soon as possible.

Finding 40. Ordinance No. 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements RCP Goal 18. The amendments enacted through Ordinance No. 25-07 establish clear and objective limitations on vegetation removal for the development of housing in areas zoned for rural residential use to ensure that such removal does not exceed what is necessary to accommodate residential development subject to the clear and objective standards. Specifically, vegetation removal is limited to: (1) an area within 40 feet measured from the center point of a dwelling; (2) is permitted for driveway access not to exceed 16 feet in width; (3) is expressly prohibited within 200 feet of the ocean vegetation line; and (4) the development area as designated by an approved sanitation investigation from the Lane County On-Site Wastewater program for installation of a sanitary disposal system. The Board finds that these clear and objective standards adequately implement and are consistent with the policy objectives of Goal 18 regarding the protection of natural vegetation in the Beaches and Dunes Combining Zone.

Policy 3. Sand stabilization is required of the developer or owner: (1) using temporary stabilization techniques during all construction phases, and (2) through an ongoing maintenance program, including preliminary revegetation with beachgrass (or other species recommended by a recognized expert), fertilization and later plantings of appropriate secondary successional species at the appropriate time. Successional species reduce the extreme fire hazard associated with mature beachgrass.

Finding 41. Ordinance No. 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements Rual Comprehensive Plan Goal 18. The amendments enacted through Ordinance No. 25-07 establish a clear and objectives standard that requires sand stabilization for all proposals for the development of housing permitted under the clear and objective pathway. The sand stabilization methods and standards applicable to housing proposals under this pathway are outlined in Lane Manual Chapter 10.005.056.B.1. This section of Lane Manual provides a menu of options for sand stabilization. The Board finds that Policy 3 is satisfied by Ordinance 25-07.

Policy 4. In assessing new development, the cumulative effect of the combination of existing development, along with that proposed, has to be considered in assessing the feasibility of the new development.

Finding 42. Ordinance No. 25-07 does not authorize any new uses within the Beaches and Dunes Combining Zone (/BD-RCP), as implemented through LC 16.243. Additionally, the Ordinance does not increase the residential density, or the number of dwellings

Ordinance No. 25-07

Findings of Fact & Conclusions

permitted within the Combining Zone, it provides clear and objective standards for already allowed uses. Accordingly, the Ordinance does not increase the cumulative effect of the combination of existing and proposed development on dune formations beyond what was already contemplated when designing and adopting the original implementing standards of the /BD Combining Zone and base zones.

Policy 5. All development proposals for recently stabilized sand dune areas, except proposals for minimum development, must be accompanied by a Lane County Sand Dune Hazards Checklist. Results of the completed Checklist will determine any need for a further Site Investigation Report.

Finding 43. Ordinance No. 25-07 does not remove or modify the requirement for a Type I Preliminary Investigation – Development Hazards Checklist in LC 16.243. Therefore, the Board finds this policy met.

Policy 6. Due to the extreme porosity of the sand (and in interdune areas, a high groundwater table), leaks in buried fuel oil or gasoline tanks could present a serious threat to the quality of the groundwater in the dunal aquifer. No new buried fuel tanks shall be permitted without a County inspection to determine proper placement and design standards so that water resources are protected.

Finding 44. Ordinance No. 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements RCP Goal 18. The amendments enacted through Ordinance No. 25-07 establish a clear and objective standard that prohibits any new buried fuel tanks proposed with the development of housing. Therefore, the Board finds Policy 6 met.

Interdune Forms

Policy 1. Due to the severe limitations of the near shore deflation plain, and in order to protect the quality of the groundwater and the dunal aquifer, development, except for limited minor development, shall be prohibited.

Finding 45. Ordinance 25-07 does not amend the section of the Beaches and Dunes Combining Zone that prohibits development on certain dune landforms. The Ordinance establishes a clear and objective permitting pathway for the development of housing in areas zoned for rural residential use and does not change the type of dune landforms where development is prohibited, such as near shore deflation plains (Interdune Forms). Therefore, the Board finds that this policy is inapplicable.

Policy 3. To assure protection of groundwater and the dunal aquifer, nonsewered residential and other development proposed for interdune areas, other than near shore deflation plain:

a. Shall require a staff investigation (Sand Dune Hazards Check-List) and, if deemed necessary by the Lane County Planning Department, a Site Investigation Report;

b. Shall not result in the clearance of existing vegetation in excess of that which is necessary for the dwelling unit, required access, fire safety requirements and the required septic or sewage disposal system. If possible, septic drain lines should be placed among existing vegetation to avoid unnecessary vegetation removal. Parcels which exhibit vegetation-free areas should utilize such

Ordinance No. 25-07
Findings of Fact & Conclusions

areas for the building site where feasible. Sites which experience excessive vegetation removal shall be replanted as soon as possible.

Finding 46. Ordinance No. 25-07 does not remove the requirement for a Type I Preliminary Investigation – Development Hazards Checklist in LC 16.243.

Ordinance No. 25-07 amends LC 16.243, the Beaches and Dunes Combining Zone (/BD-RCP), which implements RCP Goal 18. The amendments enacted through Ordinance No. 25-07 establish clear and objective limitations on vegetation removal to ensure that such removal does not exceed what is reasonably necessary to accommodate the development of housing subject to the clear and objective standards in areas zoned for rural residential use. Specifically, vegetation removal is limited to: (1) an area within 40 feet measured from the center point of a dwelling; (2) is permitted for driveway access not to exceed 16 feet in width; (3) is expressly prohibited within 200 feet of the ocean vegetation line; and (4) the development area as designated by an approved sanitation investigation from the Lane County On-Site Wastewater program for installation of a sanitary disposal system. The Board finds that these clear and objective standards adequately implement and are consistent with the policy objectives of Goal 18 regarding the protection of natural vegetation in the Beaches and Dunes Combining Zone.

82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

Enrolled
House Bill 3197

Sponsored by Representative MCLAIN; Senator MANNING JR (at the request of Washington County)

CHAPTER

AN ACT

Relating to standards applicable to development of housing; creating new provisions; amending ORS 197.307 and 215.278; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, section 2, chapter 54, Oregon Laws 2022, and section 81, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including agriculture workforce housing, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) A local government shall permit needed housing in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, **on land within an urban growth boundary**. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or greater.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria [*regulating, in whole or in part, appearance or aesthetics*] that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

SECTION 2. ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, section 2, chapter 54, Oregon Laws 2022, section 81, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), and section 1 of this 2023 Act, is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including agriculture workforce housing, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) A local government shall permit needed housing in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, **unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501.** The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or greater.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

SECTION 3. ORS 215.278 is amended to read:

215.278. (1) The Land Conservation and Development Commission shall revise administrative rules regarding dwellings customarily provided in conjunction with farm use to allow, under ORS 215.213 and 215.283, the establishment of accessory dwellings needed to provide opportunities for farmworker housing for individuals primarily engaged in farm use whose assistance in the management of the farm is or will be required by the farm operator on the farm unit.

(2) County land use regulations may not establish standards for accessory farmworker housing that are in addition to those required under this chapter or commission rules unless the standards are clear and objective.

[2)] (3) As used in this section:

(a) "Farm unit" means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS 215.203.

(b) "Farmworker" means an individual who, for an agreed remuneration or rate of pay, performs labor, temporarily or on a continuing basis, for a person in the:

(A) Production of farm products;

(B) Planting, cultivating or harvesting of seasonal agricultural crops; or

(C) Forestation or reforestation of land, including but not limited to planting, transplanting, tubing, precommercial thinning and thinning of trees or seedlings, the clearing, piling and disposal of brush and slash and other related activities.

(c) "Farmworker housing" means housing:

(A) Limited to occupancy by farmworkers and their immediate families; and

(B) No dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.

(d) "Owner" means a person that owns farmworker housing. "Owner" does not mean a person whose interest in the farmworker housing is that of a holder of a security interest in the housing.

(e) "Relative" means:

(A) A spouse of the owner or operator; and

(B) An ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.

SECTION 4. The amendments to ORS 197.307 and 215.278 by sections 2 and 3 of this 2023 Act become operative on July 1, 2025.

SECTION 5. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House May 9, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

.....
Secretary of State

MOTIONS AND VOTE RESULTS

LANE COUNTY PLANNING COMMISSION

DATE: Tuesday, August 5, 2025

TIMES: 6:00 P.M. Continued Public Hearing


Item(s):

(1) 509-PA25-05301

Amendments to Lane Code Chapters 16.090 Definitions, 16.237 Significant Natural Shorelands Combining Zone (/SN-RCP), 16.238 Prime Wildlife Shorelands Combining Zone (/PW-RCP), 16.239 Natural Resource Conservation Combining Zone (/NRC-RCP), 16.240 Residential Development Shorelands Combining Zone (/RD-RCP), 16.241 Shorelands Mixed Development Combining Zone (/MD-RCP), 16.242 Dredge Material/Mitigation Site Combining Zone (/DMS-RCP), 16.243 Beaches and Dunes Combining Zone (/BD-RCP), 16.253 Stream Riparian Regulations Rural Comprehensive/Metro Plan, and 16.254 Greenway Development Permit Rural Comprehensive Plan to adopt clear and objective standards for housing in residential areas, as required by Oregon Revised Statute 197A.400.

Staff: Rachel Serslev, Kevin Gilbride, Anne Davies

Motion Language: I move to close the public hearing.

Motion By: Choate

Amendments to the Motion: None

Second By: Hadley

In Favor: Choate, Snider, Hadley, Arscott, Tibbetts, Dompe

Opposed: None

Abstained: None

Motion Language: I move to forward a recommendation to the Board to adopt the proposed amendments to Lane Code as presented.

Motion By: Choate

Amendments to the Motion: None

Second By: Hadley

In Favor: Choate, Snider, Hadley, Arscott, Tibbetts, Dompe

Opposed: None

Lane County Planning Commission Members: Stephen Snider, Chair; Markus Lay, Vice-Chair; Jeffery Choate; Christian Wihtol; Bruce Hadley; Jonnie Peacock; Megan Dompe; Jack Tibbetts; Kim Arscott

Abstained: None	ATTACHMENT 3
Number of people who provided testimony at the Public Hearing: 0	

LCPC Attendance:
Present: Choate, Snider, Hadley, Arscott, Dompe, Tibbetts
Absent: Peacock, Wihtol, Lay

From: [Aaron Noteboom](#)
To: [SERSLEV Rachel](#); [GILBRIDE Kevin E](#)
Subject: 509-PA25-05301 | Amendments to Lane Code Chapter 16
Date: Tuesday, August 5, 2025 4:02:04 PM
Attachments: [Ltr Planning Commission 509-PA25-05301 Final 8.5.2025.pdf](#)

[EXTERNAL]

Dear Rachel and Kevin,

Please provide a copy of the attached letter to the Planning Commission and include a copy in the record for this matter.

Thank you,

Aaron Noteboom | Noteboom Law LLC
375 W 4th Ave, Ste 204 | Eugene, Oregon 97401
Ph: (541) 513-2298 | aaron@noteboomlaw.com

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NOTEBOOM LAW LLC

August 5, 2025

Via Email (rachel.serslev@lanecountyor.gov and kevin.gilbride@lanecountyor.gov)

Lane County Planning Commission
3050 N Delta Hwy.
Eugene, OR 97408

Re: 509-PA25-05301 | Amendments to Lane Code Chapter 16

Dear Planning Commission:

I represent Coast Fork Annex LLC and Coast Fork Ranch LLC, which own property along the Coast Fork of the Willamette River zoned Rural Residential and subject to both the Willamette Greenway and Riparian Setback requirements of the Lane Code. I am writing on behalf of my clients to express concerns about the proposed legislative changes. Although the amendments are intended to create a “clear and objective” path for development of housing, the proposed requirements are so restrictive that few, if any, projects will be able to take advantage of those paths. As a result, landowners will still be forced to undergo the burdensome discretionary review process to gain approval. This approach does not satisfy the state statute’s mandate to provide a meaningful clear and objective path for housing. While my clients support the goal of establishing such pathways, the amendments as drafted do not achieve this. The County should revise the amendments to create a workable and effective clear and objective path if it truly intends to facilitate housing development.

1. Changes to the Riparian Setback.**a. Flawed Expansion of Riparian Protections; Proposed Amendments Violate Goal 5 and Lack Proper Notice to Affected Property Owners.**

Under the current Lane Code, only Class 1 streams “designated” by the Rural Comprehensive Plan (RCP) are subject to riparian setback protections (LC 16.253(2)). Contrary to the staff memo’s suggestion, not all Class 1 streams in Lane County are protected under the RCP. Only those streams, or portions of streams, specifically “designated for riparian vegetation protection by the Rural Comprehensive Plan” are subject to the setback requirements. In practice, this means that only those Class 1 streams or segments included in Lane County’s Goal

5 inventory and shown on the adopted maps receive riparian protection. (See example of attached map showing designated riparian areas.)

The County's adopted Goal 5 maps clearly identify which segments of Class 1 streams are protected—not all are included. However, the staff report and proposed code amendment mistakenly assume that all Class 1 streams are fully protected in their entirety, which is not accurate. As written, the proposed amendments violate Goal 5 and represent an attempt to expand protections beyond what the County's adopted Goal 5 inventory allows. These amendments go beyond creating a "clear and objective" path; they would fundamentally rewrite existing law by subjecting every property along a Class 1 stream to Goal 5 protection, including riparian setback requirements.

It is also unclear whether the County's Measure 56 notice properly informed all affected property owners—specifically, every property along a Class 1 stream—about these significant legal changes. Moreover, the notice that was sent incorrectly described the nature of the amendments as follows:

"WHAT IS CHANGING?

This project is predominantly a technical project that is not intended to change current County land use policy."

Given the substantial impact of the proposed amendments, the County should not proceed without issuing new notices to all affected property owners that accurately describe the true effect of the proposed changes.

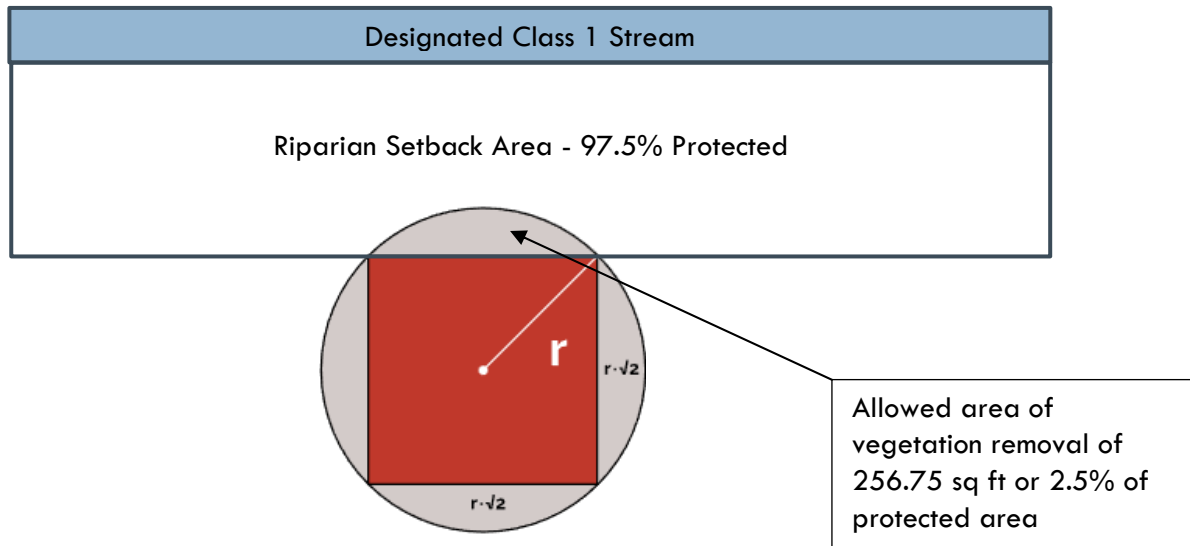
b. Overly Restrictive Vegetation Clearance Method Denies Homeowners Practical Relief and Fire Safety Compliance

The proposed methodology for determining allowable vegetation clearance is overly restrictive. Under the "clear and objective" path, a homeowner must first site their house outside the riparian setback—50 feet for non-resource property and 100 feet for resource property. Next, a rectangle is drawn around the entire roofline of the house, including the garage, to determine the center point of the house. From that center point, a clearance radius is established—30, 40, or 50 feet—depending on the length of river frontage.

For example, a property with 200 feet of river frontage qualifies for a 30-foot radius. The area within this circle is 2,827 square feet (calculated as $\pi \times 30^2$). If the homeowner proposes an 1,800 square foot home (approximately 42.43 feet by 42.43 feet, including the garage), then only 256.75 square feet—or just 2.5%—of the protected riparian area (10,000 square feet, calculated as a 50-foot setback times 200 feet of river frontage) could be cleared for purposes other than the house footprint. (See attached calculations.) In other words, the 256.75 square feet of vegetation removal permitted under the proposed clear and objective path is only a little more than 10% of the 2,500 square feet currently allowed under the existing discretionary pathway.

As a result, the “clear and objective” path provides little practical relief to homeowners and does not allow enough vegetation to be cleared to meet Lane County’s recommended 30-foot primary fire break.

In practice, here is what that looks like:



2. Changes to the Willamette Greenway.

a. Unjustified 300-Foot Setback Excludes Most Willamette Greenway Properties From “Clear and Objective” Path in Violation of State Law.

The new “clear and objective” standard under LC 16.254(4)(b) would allow development only if it is located at least 300 feet from the river’s ordinary high water line. Like the riparian setback, the new “clear and objective” Greenway Path imposes a similarly restrictive and impractical 40 ft radius from the center of the house to clear vegetation.

Currently, the Willamette Greenway provisions do not impose a uniform setback from the Willamette River, except for the existing 50-foot setback in non-resource zones and 100-foot setback in resource zones under the riparian setback rules. By introducing a 300-foot setback, the new “clear and objective” path would be limited to owners of large parcels along the river (which are mostly resource property). Even for these owners, the new rule would require homes (assuming non-resource property) to be sited more than three to six times further from the river than existing requirements allow, in order to utilize the “clear and objective” path.

Many properties along the Willamette River have a Greenway width of only 150 feet or less from the river’s ordinary high water line—making them subject to the Greenway but ineligible for the new “clear and objective” path. This option would be available only where the Willamette Greenway is already more than 300 feet wide. The staff report does not provide a

clear basis or justification for imposing such a large setback, which excludes a substantial number of properties from the protections the state statute is intended to provide.

Under state law, all property outside the UGB and designated as within the Willamette Greenway is entitled to a “clear and objective” path, not just properties located more than 300 feet from the river. The proposed amendment does not meet the requirements of state law.

The proposed code amendments, while presented as technical changes to comply with state requirements for a “clear and objective” development path, in reality represent a fundamental overhaul of existing law. They significantly expand riparian setback protections and restrict property rights far beyond what is legally required. The new 300-foot setback and restrictive vegetation clearance methodology exclude many property owners from using the “clear and objective” path and provide little practical benefit, even for those who qualify. Compounding these issues, the County’s notice to affected property owners failed to accurately describe the scope and impact of these changes. Collectively, these actions risk violating state Goal 5 requirements, undermine property rights, and fail to provide the transparency and paths required by law.

Sincerely,

NOTEBOOM LAW LLC

A handwritten signature in blue ink, appearing to read "A. Noteboom", with a stylized flourish at the end.

Aaron J. Noteboom

I want to find...

...

- ☒ largest square in a circle
- ☐ largest circle in a square
- ☐ square with same area as circle
- ☐ circle with same area as square

Radius of the circle (r)

...

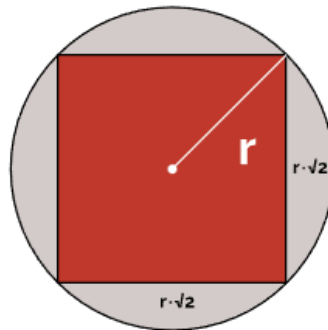
30

ft ✓

Area of the circle (A)

...

2,827.4

ft² ✓

Dimensions of the largest square in the circle

Side of square (s)

...

42.43

ft ✓

Area of square (A_s)

...

1,800

ft² ✓

- B - Beaver dam
- E - Eagle nest
- H - Heron rookery
- N - Northern Spotted Owl
- O - Osprey snag
- P - Band Tailed Pigeon
- S - Snowy Plover site
- ² - Oregon Natural Heritage Program inventory sites
- ⁵ - National Area Preservation Committee sites
- - Deer and elk winter range (or as noted)
- - Older seral stages
- - Silver Spot Butterfly (coast only)
- - Riparian vegetation (around bodies of water and Class I streams)

BIG GAME DESIGNATIONS

- - Peripheral
- - Impacted
- - Major

